Code
of
Nottoway County

COMMONWEALTH OF VIRGINIA

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NOTTOWAY COUNTY

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1998

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PREFACE

Nottoway County was first inhabited by native American Indians of the Iroquoian nation tribe called Nadowa. The Nadowa lived along the county's only river, and the name of their tribe became associated with the area they inhabited. This name was anglicized with the coming of English settlers to 'Nottoway.'

English settlers began to populate the area, bringing their traditions and customs. These early inhabitants operated self-sufficient farms and plantations, taking advantage of the area's favorable topography and wealth of natural resources. Together with a substantial number of craftsmen and laborers from west Africa and continental Europe, the difficult task of frontier living produced an independent and resourceful population.

Before the county established its own government, it was known as Nottoway Parish, a district of Amelia County. Nottoway Parish became Nottoway County by legislative act in 1788. The county, by virtue of its favorable location, contained numerous early crossroad settlements connecting the new western frontier with the population centers to the north and east. Railroad construction also followed early, first appearing around 1850.

The county was the site of one battle during the War Between the States, the Battle of the Grove, which was fought over control of the rail line in Nottoway which served as a major supply line to General Robert E. Lee's Army of Northern Virginia. Later in that conflict, General U.S. Grant and his army occupied the County Courthouse just prior to Appomattox. Grant's army utilized the excellent rail and road system in the county to shadow and then block General Lee on his march west.

The county's three towns incorporated in late 1800's, all along what was to become the U.S. Highway 460 and Norfolk Southern Railway corridor that bisects the county. Industrialization blossomed at the same time, exploiting the ease of moving raw materials in and finished products out. County manufacturing often utilized the area's abundant natural resources, particularly agricultural products, timber and wood products.

The twentieth century saw an increase in the diversification of the county in its agricultural, industrial and commercial sectors. This diversification created a work force capable of a variety of skills. During this time, major state and federal facilities were created in the county, further broadening the skills of local workers. Fort Pickett, created at the outbreak of World War II, is noted as one the finest military training facilities in the east. Its access to Norfolk enables it to serve as a major embarkation point for soldiers during time of war.

Today, the county enjoys a healthy diversity of people and economic interests. The county's natural resources continue to be managed successfully by the agriculture, forestry and mining industry. Nottoway manufacturing facilities produce a wide variety of goods, from veneers to velvet. Small business has thrived, as evidenced by the vitality of its three towns.

The future holds great promise for Nottoway County. Its close proximity to the growing edge of Virginia's Golden Crescent will continue to create great potential opportunity for its "new settlers."

Nottoway County has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the county, subsequent growth of the community, together with the

complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the county. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Supervisors ordered the following codification of the county's legislation.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Board of Supervisors of Nottoway County, including revisions or amendments to existing legislation deemed necessary by the Board of Supervisors in the course of the codification.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all county legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other county legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of animals may be found in Part II, in the chapter entitled "Animals." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In

the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 5 begins on page 501, Chapter 52 on page 5201, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 5 is § 5-1, while the fourth section of Chapter 52 is § 52-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 52-4 and 52-5, they would be numbered as §§ 52-4.1 and 52-4.2.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification
Amendments and Revisions

Sections amended or revised during the codification process are indicated in the text by means of Editor's Notes referring to "Ch. 1, General Provisions, Art. I," where the legislation adopting this Code and making such revisions will appear after final enactment.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added to the Code.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or complete new additions, should be adopted as amending the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

New sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 52-5 and 52-6 should be designated § 52-5.1).

New chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the table of contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the table of contents). Where a reserved number is not available, an

"A" chapter should be used (e.g., a new chapter to be included between Chapters 52 and 53 should be designated Chapter 52A).

New articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 125-30 and Article XVII begins with § 125-31, Article XVIA should contain §§ 125-30.1 through 125-30.5).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of Ronald Roark, Administrator, and Nancy Presley is gratefully acknowledged by the editor. The codification of the legislation of Nottoway County reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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PART I

ADMINISTRATIVE LEGISLATION

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code by Board of Supervisors

[An ordinance adopting the Code of Nottoway County is presently proposed before the Board of Supervisors. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 5
BOARDS AND COMMISSIONS

ARTICLE I
Community Services Board

§ 5-1. Crossroads Community Services Board; duties.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Community Services Board
[Adopted 5-21-1998]

§ 5-1. Crossroads Community Services Board; duties.

The Crossroads Community Services Board is hereby designated as an operating community services board with the duties and responsibilities conferred upon it by law and such other duties and responsibilities assigned by this body.

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 15TH DAY OF DECEMBER IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-TWO AND IN THE 247TH YEAR OF THE COMMONWEALTH:

PRESENT: LYNN K. SHEKLETON, CHAIRMAN
JOHN A. ROARK
HELEN M. SIMMONS
SHERMAN C. VAUGHN
P. S. T. COSTIN, COUNTY ADMINISTRATOR
KATY J. TOMER, ASSISTANT COUNTY ADMINISTRATOR
ABSENT: STEVE W. BOWEN, VICE CHAIRMAN

AN ORDINANCE FOR THE APPORTIONMENT OF MEMBERS OF NOTTOWAY COUNTY, VIRGINIA, BOARD OF SUPERVISORS; TO ESTABLISH BOUNDARY LINES OF THE ELECTION DISTRICTS THEREOF; TO NAME EACH DISTRICT; TO ESTABLISH POLLING PLACES FOR EACH ELECTION DISTRICT; AND TO ESTABLISH A CENTRALIZED ABSENTEE VOTER PRECINCT.

BE IT ORDAINED by the Board of Supervisors of Nottoway County, Virginia, that:

Section 1. **Authority**.

Pursuant to the authority contained in Title 24.2, Chapter 3 of the Code of Virginia, 1950, as amended, the election districts, precincts, polling places and the centralized absentee voter precinct of Nottoway County, Virginia are hereby created and established as set forth in this ordinance.

Section 2. **Election Districts.**

There shall be five (5) election districts named and bounded as hereinafter set forth:

Election District No. 1
Election District No. 1 is established as follows: that portion of the County of Nottoway lying west and south of a line beginning at the intersection of U.S. Highway 360 (W. Patrick Henry Hwy.) with the northern boundary of said county, thence in a southerly direction along the west bound lane of U.S. Highway 360 (W. Patrick Henry Hwy.) to the intersection of Census Block 511350003001000 and 511350003001001; then in a westerly direction between Census Block of 511350003001000 and Census Block of 511350003001001; then in a southerly direction between Census Block of 511350003001002 and 511350003001001; then in a southwesterly direction between Census Block of 51135003001002 and 511350003001001 to Jennings Ordinary Road; then southeasterly along the south side of Jennings Ordinary Road to the west side of W. Patrick Henry Hwy.; then southwesterly along the west side of W. Patrick Henry Hwy. to Triple R Lane; then southeasterly along Triple R Lane (changing over to Melody Lane) to the intersection of Census Block 511350003005006 and 5113500035016; then following in a southerly direction to W. Colonial Trail Hwy.; then southwesterly between Census Block 511350003005014 and 511350003005015; then southwesterly between Census Block 511350003002023 and 511350003005022 to 511350003005032; then westerly between Census Block 511350003005023 and 511350003005031; then westerly between Census Block 511350003005024 and 511350003005031; then southwesterly between Census Block 511350003005030 and 511350003005031 to Schutt Road; then north of Schutt Road to its intersection with Lewiston Plank Road and Inverness Road; then southerly along the west side of Lewiston Plank Road to Lone Pine Road; then in a southeasterly direction along the south side of Lone Pine Road to Harper Road; then northeasterly along the south side of Lone Pine Road past Mallory Hill Road at the intersection of Census Block 511350003006001 and 511350003006000; then south and east along the border of Census Block 511350003006000 to Micajah Road; then eastward along the south of Micajah Road to The Falls Road; then southerly along the west side of The Falls Road to W. Courthouse Road; then easterly along the southside of W. Courthouse Road to Flat Rock Road; then southerly along the west side of Flat Rock Road to Citizens Road; then easterly along the south side of Citizens Road to The Grove Road; then northerly along The Grove Road to its intersection with Census Block 511350002003019 and Census Block 511350002003029; then continuing southerly between Census Block 511350002003019; then continuing easterly between Census Blocks 511350002003019 and Census Block 511350003003030 to the intersection of Census Block 511350002003048; then continuing southerly between Census Blocks 511350002003048 and 511350003002030 to Hungarytown Road; then westerly on the north side

of Hungarytown Road to the intersection of Hungarytown Road with Flat Rock Road and Robertson's Road; then southerly along the west side of Robertson's Road to Doswell Road; then south westerly along the north side of Doswell Road; then north westerly along the north side of Stingy Lane Road to Snead Spring Road; then southerly along the west side of Snead Spring Road to the border between Census Blocks 511350002003042 and 511350002003041and following between Census Blocks 511350002003042 and 511350002003041 to the Nottoway County/Lunenburg County boundary line; then north westerly along the Nottoway County boundary line with Lunenburg County; then northerly along the Nottoway County boundary line with Prince Edward County; then south easterly along the Nottoway County boundary line with Amelia County; then east to the point of the beginning.

Election District No. 2

Election District No. 2 is established as follows: that portion of the County of Nottoway beginning on the border between Nottoway County and Amelia County to the east of Paulett Lane Extension between Census Block 511350002002000 and 511350001021009 in a south westerly direction along Census Block 511350002002000 to Green Hill Road; then following to the south of Green Hill Road and continuing between Census Block 511350001021010 and Census Block 511350001021012 to Simonton Store Lane; then south westerly to the west side of Simonton Store Lane continuing along Green Hill Road to Lee Lake Road; then along the north side of Lee Lake Road to the intersection of Census Block 511350002001016 and 511350002001014; then southerly along the eastern boundary of Census Block 511350002001016 to the north side of W. Colonial Trail Hwy. to the north side of W. Colonial Trail Hwy in a westerly direction to Cottage Road; then south to E. Colonial Trail Hwy then along the north side of E. Colonial Trail Hwy. to the intersection of E. Courthouse Road, E. Colonial Trail Hwy., and Cellar Creek Road; then south along the western side of E. Courthouse Road to the intersection of E. Courthouse Road and Walnut Hill Road; then along the north side of Walnut Hill Road to Simmons Lane; then along the north side of Simmons Lane to Old Nottoway Road, then along the north side of Old Nottoway Road to The Grove Road; then south along the north side of The Grove Road to Lee Lane; then along the south west side of Lee Lane and continue following between the borders of Census Block 511350002003020 and 511350002003021; then southerly between Census Block 511350002003019 and 511350002003021 to Census Block 511350002003048; then south westerly between Census Block 511350002003019 and 511350002003048 to Census Block 511350002003030; then north westerly along Census Block 511350002003019, 511350002003030, and 511350002003029 to The Grove Road; then southerly along the northwest side of The Grove Road to Citizens Road; then along the north side of Citizens Road to Flat Rock Road; then to the east side of Flat Rock Road northerly to W. Courthouse Road; then along the north side of W. Courthouse Road in a westwardly direction to The Falls Road; then northerly along the east side of The Falls Road to Lewis-Cole Road; then easterly between Census Block 511350003006031 and 511350003006030; then continuing north easterly between Census Block 511350003006026 and 511350003006030; then continuing north easterly between Census Block 511350003006027 and 511350003006019 to Jennings Town Road; then along the east side of Jennings Town Road to E. Colonial Trail Hwy.; then along the north side of E. Colonial Trail Hwy. to CCC Road; then along the west side of CCC Road to Eleven Oaks Road; then to the west side of Eleven Oaks Road to the intersection between Census Block 511350003002032 and 511350003002034; then westerly between Census Block 511350003002032 and 511350003002034 to their intersection with Census Block 511350003002031; then southwest to Eleven Oaks Road; then along the north east side of Eleven Oaks Road to its intersection of Census Block 511350003002026 and 511350003005041; then continuing north westerly between Census Block 511350003002026 and 511350003005041 to The Falls Road; then to the north east on the east side of The Falls Road to the intersection of Census Block 511350003003071 and 511350003003022; then west following Census Block 511350003003071 and 511350003003022 to Russell Street; then west between Census Block 511350003003032 and 511350003003022 to S. Tyler Street; then north along the east side of S. Tyler Street and continuing along Tyler Street to the intersection of Census Block 511350002001037 and 511350002001036 (north of Gatewood Avenue); then easterly between Census Block 511350002001037 and 511350002001036; then southerly between Census Block 511350002001037 and 511350002001036 to Indian Oak Road; then southerly between Census Block 511350003004016 and 511350003004000, crossing over Second Street Ext.; then continuing south between Census Block 511350003004001 and 511350003004000 to Country Club Road; then south westerly along the north west side of Country Club Road to the line between Census Block 511350003004027 and 511350003004000; then south westerly between Census Block 511350003004027 and 511350003004000; then south easterly between Census Block 511350003004027 and 511350003004000 to E. Virginia Avenue; then south easterly along the south side of E. Virginia Avenue and continuing to the south side of

E. Colonial Trail Hwy. to Maview Road (intersection of Census Blocks 511350003002033, 511350003004007, and 511350003004006); then northeasterly along the south side of Maview Road to Maben Road; then along the east side of Maben Road to Sunnyside Road; then along the south east side of Sunnyside Road past Hillcrest Lane to intersection of Census Block 511350003004003 and 511350003004004; then northerly between Census Block 511350003004003 and 511350003004004 continuing to the intersection of Census Blocks 511350003004003, 511350003004004, and 511350003004000; then easterly between Census Block 511350003004003 and 511350003004000 to Winningham Road; then northerly on the east side of Winningham Road to its intersection with Namozine Road; then continuing along Namozine Road to West Creek Road; then in a north westerly direction along the north side of West Creek Road to the intersection of Census Blocks 511350002001011, 511350002001014, and 511350002001015; then north easterly between Census Block 511350002001011 and 511350002001015; then continuing north westerly between Census Block 511350002001011 and 511350002001012; then easterly between Census Block 511350002001011 and 511350002001003 to the intersection of Census Block 511350003001011, 511350002001002, and 511350002001003; then northerly between Census Block 511350002001002 and 511350002001003; then easterly between Census Block 511350002001002 and 511350002001003 to the Nottoway County boundary line with Amelia County; then in a easterly direction along the boundary line of Nottoway County and Amelia County to the point of the beginning.

Election District No. 3

Election District No. 3 is established as follows: that portion of the County of Nottoway beginning on the border of Amelia County, between Census Block 511350002001002 and 511350002001003; then in a southerly direction between Census Block 511350002001002 and 511350002001003; then westerly between Census Block 511350002001011 and 511350002001003; then southerly between Census Block 511350002001012 and 511350002001011; then south easterly between Census Block 511350002001015 and 511350002001011 to West Creek Road; then easterly to the south side of West Creek Road to the intersection of West Creek Road and Namozine Road; then southerly to the west side of Namozine Road to the intersection of Namozine Road and Winningham Road; then southerly along the west side of Winningham Road to the intersection of Census Blocks 511350003004000, 511350003004003, 511350002002025 and 511350002002024; then westerly between Census Block 511350003004000 and 511350003004003 to the intersection of Census Block 511350003004000, 511350003004004, and 511350003004003; then southerly between Census Block 511350003004004 and 511350003004003 to Sunnyside Road; then westerly to the north side of Sunnyside Road to Maben Road; then south easterly along the south west side of Maben Road to Maview Road; then southerly along the north side of Maview Road to E. Colonial Trail Hwy.; then northwesterly along the north side of E. Colonial Trail Hwy. to E. Virginia Avenue; then northwesterly along the north side of E. Virginia Avenue to the intersection of Census Block 511350003004000 and 511350003004027; then north easterly between Census Block 511350003004000 and 511350003004027; then north westerly along Census Block 511350003004000 and 511350003004027 to Country Club Road; then north easterly along the east side of Country Club Road and continuing along the border of Census Block 511350003004000 to its intersection with 511350003004016; then north westerly between Census Block 511350003004000 and 511350003004016 to Indian Oak Road; then continuing north westerly between Census Block 511350002001036 and 511350002001037; then westerly along Census Block 511350002001036 and 511350002001037 to Tyler Road; then south along the west side of Tyler Street to E. Virginia Avenue; then south on S. Tyler Street and following between Census Block 511350003003022 and 511350003003032; then south easterly between Census Block 511350003003022 and 511350003003071 to The Falls Road; then southerly along the west side of The Falls Road to the intersection of Census Blocks 511350003005040, 511350003005041, and 511350002002026; then south easterly between Census Block 511350003005041 and 511350002002026; then continuing between Census Block 511350003005054 and 511350002002026 to S. Fourth Street; then along the west side of S. Fourth Street continuing along Eleven Oaks Road to the intersection of Census Blocks 511350003005054, 511350003005053, 511350003002034, and 511350003002031; then north easterly between Census Block 511350003002034 and 511350003002031; then south easterly (north of Eleven Oaks Road) between Census Block 511350003002034 and 511350003002032 to Eleven Oaks Road at Census Block 511350003002034, 511350003005056, 511350003005057, and 511350003002032; then north easterly along Eleven Oaks Road to CCC Road; then easterly along the south side of CCC Road to E. Colonial Trail Hwy.; then easterly along the south side of E. Colonial Trail Hwy. to Jennings Town Road; then southerly along the west side of Jennings Town Road past Whitmore

Town Road; then southerly between Census Block 511350003006019 and 511350003006027, continuing between Census Block 511350003006030 and 511350003006026; then continuing between Census Block 511350003006030 and 511350003006031 to the intersection of The Falls Road and Lewis-Cole Road; then north along the east side of The Falls Road to Micajah Road; then westerly along the north side of Micajah Road to the intersection of Census Blocks 511350003006000, 511350003006017, and 511350003006043; then westerly between Census Block 511350003006000 and 511350003006043; then northerly between Census Block 511350003006000 and 511350003006001 to Lone Pine Road; then south westerly to the north side of Lone Pine Road to Lewiston Plank Road; then northerly to the east side of Lewiston Plank Road to Schutt Road; then south easterly to the south side of Schutt Road to the intersection of Census Block 511350003005034 and 511350003005030; then north easterly between Census Blocks 511350003005034 and 511350003005030 and continuing between Census Block 511350003005031 and 511350003005030; then easterly between Census Block 511350003005031 and 511350003005024 continuing between Census Blocks 511350003005031 and 511350003005023; then continuing east between Census Block 511350003005032 and 511350003005023; then north easterly between Census Block 511350003005022 and 511350003005023 to E. Colonial Trail Hwy.; then north between Census Block 511350003005015 and 511350003005014 to W. Colonial Trail Hwy, continuing north between Census Block 511350003005016 and 511350003005006 to Melody Lane; then north westerly along the north side of Melody Lane to W. Patrick Henry Hwy.; then north easterly along the east side of W. Patrick Henry Hwy. to Jennings Ordinary Road; then north westerly along the north side of Jennings Ordinary Road to the intersection of Census Block 511350003001001 and 511350003001002; then north between Census Block 511350003001001 and 511350003001002 to the intersection of Census Block 511350003001001, 511350003001002, 511350003001066, and 511350003001000; then easterly between Census Block 511350003001001 and 511350003001000 to W. Patrick Henry Hwy.; then north easterly along the east side of W. Patrick Henry Hwy. to the Nottoway County boundary with Amelia County; then easterly along the boundary line of Nottoway County with Amelia County to the point of the beginning.

Election District No. 4

Election District No. 4 is established as follows: that portion of the County of Nottoway beginning at the county boundary with Amelia County and Dinwiddie County in the northeastern corner of the county; then following the Nottoway County boundary in a south westerly direction to Hobbs Mill Road; then continuing to the north side of Hobbs Mill Road to Wilson Road; then northwest along the north side of Wilson Road to Old Richmond Road; then in a south westerly direction to the northwest side of Old Richmond Road to Rocky Hill Road; then in a southerly direction on the west side of Rocky Hill Road to W. Colonial Trail Hwy.; then westerly along the north side of W. Colonial Trail Hwy to Yellow Bird Road; then in a southerly direction along the west side of Cox Road to the intersection of Census Block 511350001022025, 511350001021022, and 511350001022026; then south westerly between Census Block 511350001022025 and 511350001022026; then southerly between Census Block 511350001022025 and 511350001022026; then continuing in a southerly direction between Census Block 511350001023009 and 511350001023004; then continuing between Census Block 511350001023009 and 511350001023008; then southerly between Census Block 511350001023009 and 511350001023008; then continuing in a southerly direction between Census Block 511350001011002 and 511350001011003; then southerly between Census Block 511350001011003 and 511359801001040; then westerly following the line between Census Block 511350001011003 and 511350001011047 to their intersection with 511350003001004; then southerly between 511350001011004 and 511350001011047; then continuing south easterly between Census Block 511359801001046 and 511359801001047 to West Entrance Road; then north westerly on the north side of West Entrance Road to Census Block 511350001011027 and 511350001011026; then following westerly between Census Block 511350001011027 and 511350001011026 to their intersection with Census Block 511350003001048; then following between Census Block 511350001001027 and 511350001021048 back to West Entrance Road; then along the north side of West Entrance Road in a westerly direction to Lester Street, then northerly along the east side of Lester Street to Birch Street, then westerly along the north side of Birch Street to S. Harris Street; then in a northerly direction on the east side of S. Harris Street to E. Broad Street; then westerly along E. Broad Street to S. Main Street; then westerly along W. Broad Street to N. Brown Street; then in a westerly direction between Census Block 511350001022014 and 511350001022049 to North West Avenue; then in a northerly direction to the east side of North West Avenue to Babs Lane; then westerly between Census Block 511350001022013 and 511350001022015; then southerly between Census Block 511350001022013 and 511350001022015; then continuing between Census Block

511350001022013 and 511350003002015 in a south westerly direction (crossing over Courthouse Road) and following between Census Blocks 511350001022035 and 511350001022015; then in a southerly direction between Census Block 511350001022035 and 511350001022015 to the intersection of Census Blocks 511350003002035, 511350001022034, and 511350001022015; then north easterly between Census Block 511350001022034 and 511350001022015 to Courthouse Road; then south easterly along the west side of Courthouse Road to Maben Avenue; then southerly along the west side of Maben Avenue to Nottoway Avenue; then easterly along the south side of Nottoway Avenue to Merchant Street; then southerly along the west side of Merchant Street to Tunstall Avenue; then westerly along the north side of Tunstall Avenue to N. Amelia Avenue; then southerly to the west side of N. Amelia Avenue to Church Street; then southerly to the west side of S. Amelia Avenue to W. Fourth Street; then westerly along the north side of W. Fourth Street to S. Freeman Street; then southerly along the west side of W. Fourth Street to the intersection of Census Block 511350001012009 and 511350001012010; then north westerly between Census Block 511350001012009 and 511350001012010; then westerly between Census Block 511350001012009 and 511350001012010; then northerly between Census Block 511350001012009 and 511350001012010 to Old Nottoway Road; then north westerly along the north side of Old Nottoway Road (Church Street) to Battleview Road; then south westerly along the west side of Battleview Road to Battleview Lane (intersection of Census Block 511350002003021 and 511350002003049); then north westerly between Census Block 511350002003021 and 511350002003049; then continuing north between Census Block 511350002003021 and 511350002003048 to the intersection of Census Block 511350002003021, 511350002003048 and 511350002003019; then continuing north westerly between Census Block 511350002003021 and 511350002003019; then north easterly between Census Block 511350002003021 and 511350002003020 to Lee Lane; then following to the east side of Lee Lane to The Grove Road; then along the east side of The Grove Road in a north easterly direction to Old Nottoway Road; then south easterly along the south side of Old Nottoway Road to Simmons Lane; then to the east side of Simmons Lane to Walnut Hill Road, then along the south side of Walnut Hill Road to E. Courthouse Road, then to the east side of E. Courthouse Road in a northerly direction to E. Colonial Trail Hwy.; then easterly along the south side of E. Colonial Trail Hwy. to Cottage Road; then north to W. Colonial Trail Hwy; then easterly along the south side of W. Colonial Trail Hwy. to the intersection of Census Block 511350001021039 and 511350001021016; then northerly between Census Block 511350001021039 and 511350001021016; then continuing northerly between Census Block 511350001021016 and 511350001021014; then continuing in a northerly direction between Census Block 511350001021015 and 511350001021016 to their intersection with 511350003001014; then northerly between Census Block 511350003001016 and 511350003001014 to Lee Lake Road; then easterly along the south side of Lee Lake Road to Green Hill Road; then northerly along the east side Green Hill Road continuing along the boundary between Census Blocks 511350003001012 and 511350003001010 west to Simonton Store Lane; then westerly along the north side of Green Hill Road to the intersection of Census Block 511350001021010 and 511350002002000; then north easterly between Census Block 511350001021010 and 511350002002000 and continue following between Census Blocks 511350001021009 and 511350002002000 to the Nottoway County boundary with Amelia County; then south easterly along the Nottoway County boundary with Amelia County to the point of the beginning.

Election District No. 5

Election District No. 5 is established as follows: that portion of the County of Nottoway beginning at the eastern end of the boundary of Nottoway County and Dinwiddie County along the southern side of Hobbs Mill Road, then following along the boundary of Nottoway County and Dinwiddie County in a southerly direction to the shared boundary of Nottoway County, Dinwiddie County and Brunswick County; then westerly along the boundary between Nottoway County and Brunswick County (along the Nottoway River); then continuing westerly along the boundary between Nottoway County and Lunenburg County to the intersection of Census Block 511350002003041 and 511350002003042; then north westerly between Census Block 511350002003041 and 511350002003042 to Snead Spring Road; then north easterly along the southeast side of Snead Spring Road to Stingy Lane Road; then south easterly to the south side of Stingy Lane Road to Doswell Road; then east along the south side of Doswell Road to Robertson's Road; then northerly along the east side of Robertson's Road to Hungarytown Road; then easterly along the south side of Hungarytown Road to the intersection of Census Block 511350002003048 and 511350002003030; then northerly between Census Block 511350002003048 and 511350002003030 to shared boundary of Census Block 511350002003048 and 511350002003019, and 511350002003030; then north easterly between Census Block 511350002003048 and 511350002003019 to the intersection of Census Block511350002003048,

511350002003019, and 511350002003021; then south easterly between Census Block 511350002003021 and 511350002003048 to Battleview Lane; then easterly along the south side of Battleview Lane to Battleview Road; then northerly along the east side of Battleview Road to Old Nottoway Road; then easterly along the south side of Church Street (Old Nottoway Road) to the intersection of Census Block 511350001012010 and 511350001022009; then southerly between Census Block 511350001012010 and 511350001022009; then easterly between Census Block 511350001012010 and 511350001022009; then south easterly between Census Block 511350001012010 and 511350001022009 to W. Fourth Street; then north easterly along the south side of W. Fourth Street to S. Amelia Avenue; then northerly along the east side of S. Amelia Avenue continuing along N. Amelia Avenue to Tunstall Avenue; then easterly along the south side of Tunstall Avenue to Merchant Street; then north along the east side of Merchant Street to Nottoway Avenue; then west along the north side of Nottoway Avenue to Maben Avenue, then north along the east side of Maben Avenue to Courthouse Road; then north westerly along Courthouse Road following the line between Census Blocks 511350001022015 and 511350001022034; then south westerly between Census Block 511350001022034 and 511350001022015 to their intersection with Census Block 511350001022035; then northerly between Census Block 511350001022035 and 511350001022015 to Courthouse Road; then north easterly between Census Block 511350001022015 and 511350001022013; then northerly between Census Block 511350001022015 and 511350001022013; then south easterly between Census Block 511350001022015 and 511350001022013 to the intersection of Babs Lane and North West Avenue; then southerly to the west side of North West Avenue to W. Broad Street; then easterly between Census Block 511350001022049 and 511350001022014 to N. Brown Street; then along the south side of W. Broad Street (changing over to E. Broad Street) to S. Harris Street; then south along the west side of S. Harris Street to Birch Street; then easterly along the south side of Birch Street to Lester Street; then southerly along the west side of Lester Street to West Entrance Road; then easterly along the south side of West Entrance Road to the intersection of Census Block 511350001011048 and 511350001011027; then southerly between Census Block 511350001012027 and 511350001011048, and 511350001011026 to West Entrance Road between Census Blocks 511350001011027, 511350001011048, and 511350001011026; then south easterly along the south side of West Entrance Road to the intersection of Census Block 511350001011046, 511350001011047, 511350001011026 and 511359801001141; then northerly between Census Block 511350001011046 and 511350001011047; then continuing north westerly between Census Block 511350001011004 and 511350001011047; then east between Census Block 511350001011047 and 511350001011003; then north between Census Block 511359801001040 and 511350001011003 to the intersection of Census Block 511359801001040, 511350001011002, and 511350001011003; then north between Census Block 511350001011002 and 511350001011003; then west between Census Block 511350001011002 and 511350003001003; then north between Census Block 511350001011002 and 511350001011003 to Darvills Road; then north easterly to Census Block 511350001023008 and 511350001023009; then north between Census Block 511350001023008 and 511350001023009; then north between Census Block 511350001023004 and 511350001023009 to Cox Road; then north between Census Block 511350001022026 and 511350001022025; then north easterly between Census Block 511350001022026 and 511350001022025 to Cox Road; then north easterly along the east side of Cox Road to W. Colonial Trail Hwy.; then easterly along the south side of W. Colonial Trail Hwy. to Rocky Hill Road; then north along the east side of Rocky Hill Road to Old Richmond Road; then north east to the south side of Old Richmond Road to Wilson Road; then south easterly to the south side of Wilson Road to Hobbs Mill Road; then north easterly along the south side of Hobbs Mill Road to the boundary line of Nottoway County to the point of the beginning.

Section 3. **Precincts and Polling Places.**

There shall be eight (8) precincts, including the Central Absentee Voter Precinct, and seven (7) polling places named and located as hereinafter set forth:

1. **Election District No. 1:** There shall be one precinct established: Precinct No. 101. **Precinct No. 101** shall encompass the entirety of election District No. 1.

   The polling place for Precinct No. 101 is located at the Burkeville Elementary School, 507 Miller Street, Burkeville, Virginia.

2. **Election District No. 2:** There shall be one precinct established: Precinct No. 201. **Precinct No. 201** shall encompass the entirety of election District No. 2.

The polling place for Precinct No. 201 is located at the Crewe Library, 414 Tyler Street, Crewe, Virginia.

3. **Election District No. 3:** There shall be two precincts established: Precinct No. 301 and Precinct No. 302.
   Precinct No. 301 shall be all that area south of Route 630 (Mountain Hall Road, Bible Road, and Melody Lane).
   Precinct No. 302 shall be all that area north of Route 630 (Mountain Hall Road, Bible Road, and Melody Lane).

   a. The polling place for Precinct No. 301 is located at the Crewe Primary School, 1935 Sunnyside Road, Crewe, Virginia.

   b. The polling place for Precinct No. 302 is located at the Amelia/Nottoway Technical Center, 148 Votech Road, Jetersville, Virginia.

4. **Election District No. 4:** There shall be two precincts established: Precinct No. 401 and Precinct No. 402.
   Precinct No. 401 shall be all that area south of U. S. Highway 460 (East Colonial Trail Highway).
   Precinct No. 402 shall be all that area north of U. S. Highway 460 (West Colonial Trail Highway).

   a. The polling place for Precinct No. 401 is located at Blackstone Primary School, 615 East Street, Blackstone, Virginia.

   b. The polling place for Precinct No. 402 is located at Bellefonte Grange, 2117 Rocky Hill Road, Blackstone, Virginia.

5. **Election District No. 5:** There shall be one precinct established: Precinct 501.
   Precinct No. 501 shall encompass the entirety of election District No. 5.

   The polling place for Precinct No. 501 is located at the Blackstone Police Department Conference Room, 101 West Elm Street, Blackstone, Virginia.

6. **Central Absentee Voter Precinct:** The Central Absentee Voter Precinct is established for the purpose of processing absentee ballots for all elections in Nottoway County and is located at 507 Miller Street, Burkeville, Virginia.

AND BE IT FURTHER ORDAINED THAT, should any section or provision of this Ordinance be decided to be invalid or unconstitutional, such decision shall not affect the validity or constitutionally of any other section or provision of this Ordinance.

AND BE IT FURTHER ORDAINED THAT, the County Registrar shall notify by mail no later than fifteen days, or such other time as is required by law, or regulation of the State Board of Elections, prior to the next general, special, or primary election, which is scheduled to occur after the effective date of this Ordinance, all registered voters whose precinct and/or polling place has been changed by the provisions of this Ordinance.

AND BE IT FURTHER ORDAINED THAT, any other Ordinances that conflict with this Ordinance shall be repealed to the extent necessary to give full force and effect to this Ordinance but shall otherwise remain in full force.

AND BE IT FURTHER ORDAINED THAT should any portion of this Ordinance be found to be in violation of the law and therefore be declared invalid by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

AND BE IT FURTHER ORDAINED THAT this Ordinance shall be in full force and effect upon its adoption and enactment by the Board of Supervisors of Nottoway County, Virginia and

upon issuance of a certification of no objection by the Office of the Attorney General of Virginia.

Adopted by the Board of Supervisors of Nottoway County, Virginia, this 15th day of December 2022 by a vote of 4 in favor and 0 opposed.

For the Board of Supervisors:

Lynn R. Shekleton, Chair

Attest:

P.S.T. Costin, Clerk

Chapter 9
ELECTION DISTRICTS

§ 9-1. Election District No. 1.
§ 9-2. Election District No. 2.
§ 9-3. Election District No. 3.
§ 9-4. Election District No. 4.
§ 9-5. Election District No. 5.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 4-18-1991. Amendments noted where applicable.]

§ 9-1. Election District No. 1.

A. Election District No. 1 is established as follows: that portion of the County of Nottoway lying west and south of a line beginning at the intersection of Route 360 with the northern boundary of said county, thence in a southerly direction along the center line of Route 360 to its intersection with Route 630, thence in an easterly direction along Route 630 to the eastern boundary of Piedmont Geriatric Hospital, thence in a southerly direction along the eastern boundary of Piedmont Geriatric Hospital to Route 460, thence in a straight line between A and B buildings of Nottoway Correctional Center to the intersection of the entrance road to Nottoway Correctional Center with Route 650, thence in a westerly direction along Route 650 to Route 723, thence in a southerly direction along Route 723 to Route 633, thence in an easterly direction along Route 633 to Route 650, thence in a southerly direction along Route 650 to the Little Nottoway River, thence in an easterly direction along the Little Nottoway River to Route 49, thence in a southerly direction along Route 49 to Mallory Creek, thence in an easterly direction along Mallory Creek to its intersection with the Little Nottoway River, thence due North in a straight line to Route 653, thence in a northwesterly direction along Route 653 to Route 607, thence in a northerly direction along Route 607 to Route 460 (bypass), thence in an easterly direction along Route 460 (bypass) to old Route 460, thence in an easterly direction along old Route 460 to Route 658, thence in a southerly direction along Route 658 to Route 626, thence in an easterly direction along Route 626 to Jack's Branch, thence in a southerly direction along Jack's Branch to the Little Nottoway River, thence in a southeasterly direction along Little Nottoway River to Route 40, thence in a southwesterly direction along Route 40 to Route 627, thence in a southeasterly direction along Route 627 to the Nottoway River.

B. Precincts.

(1) Precinct No. 101 of this district shall be all of that area west of Route 723 and Route 360, plus Piedmont Geriatric Hospital, and its polling place shall be Burkeville Town Hall.

(2) Precinct No. 102 of this district shall be all of that area east of Route 723, and its polling place shall be Nottoway Court House.

along West Entrance Road to the corporate limits of Blackstone, thence southerly along the corporate limit line to Route 644, thence southerly along Route 644 approximately 2 miles to the boundary of Ft. Pickett, thence northerly along said Ft. Pickett boundary to old Route 460 thence northerly along old Route 460 to Route 460 (bypass), thence easterly along Route 460 (bypass) to the eastern boundary of the county, thence southerly and westerly along said county boundary to the point of beginning.

B. Polling place. There shall be one polling place in Election District 5, located at the Fire Department building, 101 West Elm Street, Blackstone, Virginia. **[Amended 8-20-1992]**

Chapter 13

FIRE COMPANIES

[The Nottoway County Board of Supervisors approved the Blackstone Volunteer Fire Department, the Burkeville Volunteer Fire Department and the Crewe Volunteer Fire Department as authorized fire companies of Nottoway County, pursuant to § 27-8.1 of the Code of Virginia.]

Chapter 18

INDUSTRIAL DEVELOPMENT AUTHORITY

§ 18-1. Creation; powers.

§ 18-2. Name of Authority.

§ 18-3. Appointment of Board of Directors.

§ 18-4. Call of initial meeting by County Administrator.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 9-18-1997. Amendments noted where applicable.]

§ 18-1. Creation; powers.

There is hereby created a political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq. of the Code of Virginia, as amended), including such powers as may hereafter be set forth from time to time in said act.

§ 18-2. Name of Authority.

The name of the political subdivision created hereby shall be the Industrial Development Authority of Nottoway County, Virginia (the Authority).

§ 18-3. Appointment of Board of Directors.

A. The Authority shall be governed by a Board of Directors of seven members to be appointed by the Board of Supervisors. The following persons are hereby appointed directors of the Authority for the terms of office set forth herein and until their successors shall have been appointed and qualified:

	Name	Address	Term
1.	Richard H. Lee, Jr. Blackstone, VA 23824	Rt. 2, Box 87	1 year
2.	Julian Fowlkes Burkeville, VA 23922	P. O. Box 201	1 year
3.	Jerome A. Wilson, III Blackstone, VA 23824	303 South High Street	2 years
4.	Denis J. McCarthy Blackstone, VA 23824	505 College Avenue	2 years

	Name	Address	Term
5.	Calvin Nunnally Burkeville, VA 23922	Route 1	3 years
6.	Allen Bridgeforth Crewe, VA 23930	Route 2, Box 485	3 years
7.	Harrison M. Skipwith, Jr.	606 East Georgia Avenue Crewe, VA 23930	Four years

B. Such terms shall commence on the effective date of this chapter.

§ 18-4. Call of initial meeting by County Administrator.

The County Administrator is hereby authorized to call the initial meeting of the Board of Directors of the Authority by written notice delivered to each member thereof at least three days in advance of such meeting, stating the time, place and matters of business proposed to be conducted. At such initial meeting the Board of Directors shall organize and elect officers in the manner provided by law.

Chapter 29

TRAFFIC SCHOOL

§ 29-1. Establishment.
§ 29-2. Direction by General District Court.
§ 29-3. Attendance by violators; fee.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 5-21-1992. Amendments noted where applicable.]

§ 29-1. Establishment.[1]

Pursuant to § 46.2-1314 of the Code of Virginia, there is hereby established a Traffic School in Nottoway County, Virginia, at which instruction concerning laws and ordinances for the regulation of vehicular traffic and the safe operation of vehicles shall be given.

§ 29-2. Direction by General District Court.

The Traffic School shall be directed by the Nottoway General District Court.

§ 29-3. Attendance by violators; fee.

Any person found guilty of a violation of any provision of Chapter 8 of Title 46.2 of the Code of Virginia, as amended, or a local ordinance governing the operation of motor vehicles may be required by the General District Court to attend traffic school. The program of instruction shall consist of eight class sessions of one hour each or one session of eight hours which will be taught by certified instructors supervised by the Director of the Piedmont Alcohol Safety Action Program (ASAP). The fee for those enrolling on both a voluntary and court-ordered basis will be set by the Director of the Piedmont ASAP.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

PART II

GENERAL LEGISLATION

Chapter 35

AIRPORT ZONING

§ 35-1. Statutory authority; findings.
§ 35-2. Title.
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[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 6-19-1997. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 45.
Noise — See Ch. 82.
Zoning — See Ch. 125.

§ 35-1. Statutory authority; findings.

This chapter is adopted pursuant to the authority conferred by Chapter 22 of Title 15.2, and specifically to satisfy the requirements of § 15.2-2294 of the Code of Virginia, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Nottoway County, Virginia, and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared that:

A. It is necessary in the interest of the public health, safety and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented.

B. The creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports.

C. Nottoway County, Virginia, derives economic development and enhanced interstate commerce from Blackstone AAF*/Crewe Municipal Airport, when such airports and their surrounding vicinity is held strictly to the highest possible safety standards.

D. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

§ 35-2. Title.

This chapter shall be known and may be cited as the "Nottoway County, Virginia Airport Safety Zoning Ordinance."

§ 35-3. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

ADMINISTRATOR — The official charged with the enforcement of this chapter. He or she shall be the Nottoway County Zoning Administrator.

AIRPORT — Blackstone AAF/Allen C. Perkinson Airport and Crewe Municipal Airport.

AIRPORT ELEVATION — The highest point on any usable landing surface expressed in feet above mean sea level.

APPROACH SURFACE — A surface, whose design standards are referenced in § 35-4 of this chapter, longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 35-5 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES — The airspace zones as set forth in § 35-4 of this chapter.

CONICAL SURFACE — A surface, whose design standards are referenced in § 35-4 of this chapter, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

HAZARD TO AIR NAVIGATION — An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the commonwealth.

HEIGHT — For the purpose of determining the height limits in all zones set forth in § 35-5 of this chapter and shown on the Zoning Map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

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*Allen C. Perkinson Airport.

HORIZONTAL SURFACE — A horizontal plane, whose design standards are referenced in § 35-4 of this chapter, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

NONCONFORMING USE — Any preexisting structure or object of natural growth which is inconsistent with the provisions of this chapter or any amendment to this chapter.

OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in § 35-5 of this chapter.

PERMIT — A document issued by Nottoway County, Virginia, allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this chapter.

PERSON — Any individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity. The term includes a trustee, a receiver, an assignee or a similar representative of any of them.

PRIMARY SURFACE — A surface, whose design standards are referenced in § 35-4 of this chapter, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

RUNWAY — A specified area on an airport prepared for landing and takeoff of aircraft.

STRUCTURE — Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles and electric lines of overhead transmission routes, flagpoles and ship masts.

TRANSITIONAL SURFACES — Surfaces whose design standards are reference in § 35-4 of this chapter, which extend outward perpendicular to the runway center line sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

VEGETATION — Any object of natural growth.

ZONE — All areas provided for in § 35-4 of this chapter, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway center line and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in § 35-5 of this chapter.

§ 35-4. Airport safety zones.

A. In order to carry out the provisions of this chapter, there are hereby established certain zones which include all of the area and airspace of Nottoway County, Virginia, lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical

surfaces as they apply to Blackstone AAF*/Crewe Municipal Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones, except as provided for in §§ 35-5 and 35-6 of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

(1) Airport Zone: A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

(2) Approach Zone: A zone that extends away from the runway ends along the extended runway center line, with the floor set by the approach surfaces.

(3) Transitional Zone: A zone that fans away perpendicular to the runway center line and approach surfaces, with the floor set by the transitional surfaces.

(4) Conical Zone: A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

B. The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28 and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. A copy of these design standards is found in the Appendix of this chapter.

§ 35-5. Airport safety zone height limitations.

A. Except as otherwise provided in this chapter, in any zone created by this chapter, no structure shall be erected, altered or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the "floor," of any zone provided for in § 35-4 of this chapter at any point.

B. The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28 and 77.29, Subchapter E (Airspace), of Title 14 of Code of Federal Regulations, or in successor federal regulations. A copy of these design standards is found in the Appendix of this chapter.

§ 35-6. Use restrictions.

Notwithstanding any other provisions of this chapter and within the area below the horizontal limits of any zone established by this chapter, no use may be made of land or water in such a manner as to:

A. Create electrical interference with navigational signals or radio communication between the airport and aircraft;

B. Diminish the ability of pilots to distinguish between airport lights and other lights;

C. Result in glare in the eyes of pilots using the airport;

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*Allen C. Perkinson Airport.

D. Impair visibility in the vicinity of the airport;

E. Create the potential for bird strike hazards; or

F. Otherwise in any way endanger or interfere with the lending, takeoff or maneuvering of aircraft in the vicinity of and intending to use the airport.

§ 35-7. Nonconforming uses.

A. Except as provided in Subsection B of this section and § 35-8B of this chapter, the regulations prescribed by this chapter shall not require the removal, lowering or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted.

B. Notwithstanding the provision Subsection A of this section, the owners of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation and maintenance thereon of whatever markers and lights are deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation or the Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

§ 35-8. Permits and variances.

A. Except as provided in Subsection A, B and C of this section, no structure shall be erected or otherwise established in any zone created by this chapter unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired with and sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this chapter. No permit for a structure inconsistent with this chapter shall be granted unless a variance has been approved as provided in Subsection D of this section.

B. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto other than with relief as provided for in Subsection D.

C. Whenever the Administrator determines that a nonconforming structure has been abandoned or more than 50% destroyed, physically deteriorated or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this chapter, except with the relief as provided for in Subsection D.

D. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this chapter may apply for a variance from

such regulations to the Nottoway County Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered in a public hearing. Prior to being considered by the Nottoway County Board of Zoning Appeals, the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this chapter.

E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation or the Administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate and maintain the necessary markings and lights.

F. Applications for permits and variances shall be made on forms available from the Administrator, with such forms allowing for enough specific detail such that proper analysis can be given the request.

§ 35-9. Enforcement.

The Administrator shall administer and enforce the regulations prescribed in this chapter. He or she shall be vested with the police power incumbent to carry out and effectuate this chapter, including the action of injunction, prosecution and other available means through the 11th Judicial Circuit of Virginia.

§ 35-10. Appeals.

Any person aggrieved, or any officer, department, board or bureau of Nottoway County, Virginia, affected by a decision of the Administrator may appeal such decision to the Nottoway County Board of Zoning Appeals.

§ 35-11. Judicial review.

Any person aggrieved or any taxpayer adversely affected by any decision of the Nottoway County Board of Zoning Appeals may appeal to the 11th Judicial Circuit of Virginia.

§ 35-12. Violations and penalties.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter shall constitute a misdemeanor and be punishable by a fine of no more than $500. Each day on which a violation occurs shall constitute a separate offense.

§ 35-13. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

Distance Slope Matrix

Elevations of Slope Given Horizontal Distance

From the Runway Primary Surface

Distance	50:1	34:1	20:1	7:1
100	2.00	2.94	5.00	14.29
200	4.00	5.88	10.00	28.57
300	6.00	8.82	15.00	42.86
400	8.00	11.76	20.00	57.14
500	10.00	14.71	25.00	71.43
600	12.00	17.65	30.00	85.71
700	14.00	20.59	35.00	100.00
800	16.00	23.53	40.00	114.29
900	18.00	26.47	45.00	128.57
1,000	20.00	29.41	50.00	142.86
1,100	22.00	32.35	55.00	157.14
1,200	24.00	35.29	60.00	171.43
1,300	26.00	38.24	65.00	185.71
1,400	28.00	41.18	70.00	200.00
1,500	30.00	44.12	75.00	214.29
1,600	32.00	47.06	80.00	228.57
1,700	34.00	50.00	85.00	242.86
1,800	36.00	52.94	90.00	257.14
1,900	38.00	55.88	95.00	271.43
2,000	40.00	58.82	100.00	285.71
2,100	42.00	61.76	105.00	300.00
2,200	44.00	64.71	110.00	314.29
2,300	46.00	67.65	115.00	328.57
2,400	48.00	70.59	120.00	342.86
2,500	50.00	73.53	125.00	357.14
2,600	52.00	76.47	130.00	371.43
2,700	54.00	79.41	135.00	385.71

Distance	50:1	34:1	20:1	7:1
2,800	56.00	82.35	140.00	400.00
2,900	58.00	85.29	145.00	414.29
3,000	60.00	88.24	150.00	428.57
3,100	62.00	91.18	155.00	442.86
3,200	64.00	94.12	160.00	457.14
3,300	66.00	97.06	165.00	471.43
3,400	68.00	100.00	170.00	485.71
3,500	70.00	102.94	175.00	500.00
3,600	72.00	105.88	180.00	514.29
3,700	74.00	108.82	185.00	528.57
3,800	76.00	111.76	190.00	542.86
3,900	78.00	114.71	195.00	557.14
4,000	80.00	117.65	200.00	571.43
4,100	82.00	120.59	205.00	585.71
4,200	84.00	123.53	210.00	600.00
4,300	86.00	126.47	215.00	614.29
4,400	88.00	129.41	220.00	628.57
4,500	90.00	132.35	225.00	642.86
4,600	92.00	135.29	230.00	657.14
4,700	94.00	138.24	235.00	671.43
4,800	96.00	141.18	240.00	685.71
4,900	98.00	144.12	245.00	700.00
5,000	100.00	147.06	250.00	714.29
5,100	102.00	150.00	255.00	728.57
5,200	104.00	152.94	260.00	742.86
5,300	106.00	155.88	265.00	757.14
5,400	108.00	158.82	270.00	771.43
5,500	110.00	161.76	275.00	785.71
5,600	112.00	164.71	280.00	800.00
5,700	114.00	167.65	285.00	814.29

AIRPORT ZONING

Distance	**50:1**	**34:1**	**20:1**	**7:1**
5,800	116.00	170.59	290.00	828.57
5,900	118.00	173.53	295.00	842.86
6,000	120.00	176.47	300.00	857.14
6,100	122.00	179.41	305.00	871.43
6,200	124.00	182.35	310.00	885.71
6,300	126.00	185.29	315.00	900.00
6,400	128.00	188.24	320.00	914.29
6,500	130.00	191.18	325.00	928.57
6,600	132.00	194.12	330.00	942.86
6,700	134.00	197.06	335.00	957.14
6,800	136.00	200.00	340.00	971.43
6,900	138.00	202.94	345.00	985.71
7,000	140.00	205.88	350.00	1,000.00
7,100	142.00	208.82	355.00	1,014.29
7,200	144.00	211.76	360.00	1,028.57
7,300	146.00	214.71	365.00	1,042.86
7,400	148.00	217.65	370.00	1,057.14
7,500	150.00	220.59	375.00	1,071.43
7,600	152.00	223.53	380.00	1,085.71
7,700	154.00	226.47	385.00	1,100.00
7,800	156.00	229.41	390.00	1,114.29
7,900	158.00	232.35	395.00	1,128.57
8,000	160.00	235.29	400.00	1,142.86
8,100	162.00	238.24	405.00	1,157.14
8,200	164.00	241.18	410.00	1,171.43
8,300	166.00	244.12	415.00	1,185.71
8,400	168.00	247.06	420.00	1,200.00
8,500	170.00	250.00	425.00	1,214.29
8,600	172.00	252.94	430.00	1,228.57
8,700	174.00	255.88	435.00	1,242.86

Distance	50:1	34:1	20:1	7:1
8,800	176.00	258.82	440.00	1,257.14
8,900	178.00	261.76	445.00	1,271.43
9,000	180.00	264.71	450.00	1,285.71
9,100	182.00	267.65	455.00	1,300.00
9,200	184.00	270.59	460.00	1,314.29
9,300	186.00	273.53	465.00	1,328.57
9,400	188.00	276.47	470.00	1,342.86
9,500	190.00	279.41	475.00	1,357.14
9,600	192.00	282.35	480.00	1,371.43
9,700	194.00	285.29	485.00	1,385.71
9,800	196.00	288.24	490.00	1,400.00
9,900	198.00	291.18	495.00	1,414.29
10,000	200.00	294.12	500.00	1,428.57

Zoning Graphics Outline

The composite graphic included shows an example set of airspace zones.

When studying the top half of the example graphic, start from the runway itself. Note that the primary surface (not labeled) is the innermost rectangle that is drawn around the runway and is the same elevation as the runway center line. From here you can visualize the following steps moving up, out and away from the runway. It is from this place that:

1. Approach Zones extend from the ends of the primary surface, and
2. Transitional Zones fan away from the sides of the primary surface,
3. with both of these zones intercepting the Airport Zone at the horizontal surface (shown as horizontal zone).
4. From the elevated flat plane of the Airport Zone, Approach Zones continue their outward extension, and
5. Conical Zones fan out all the way around the periphery.
6. Finally Transitional Zones also fan away from the sides of the extended Approach Zones.

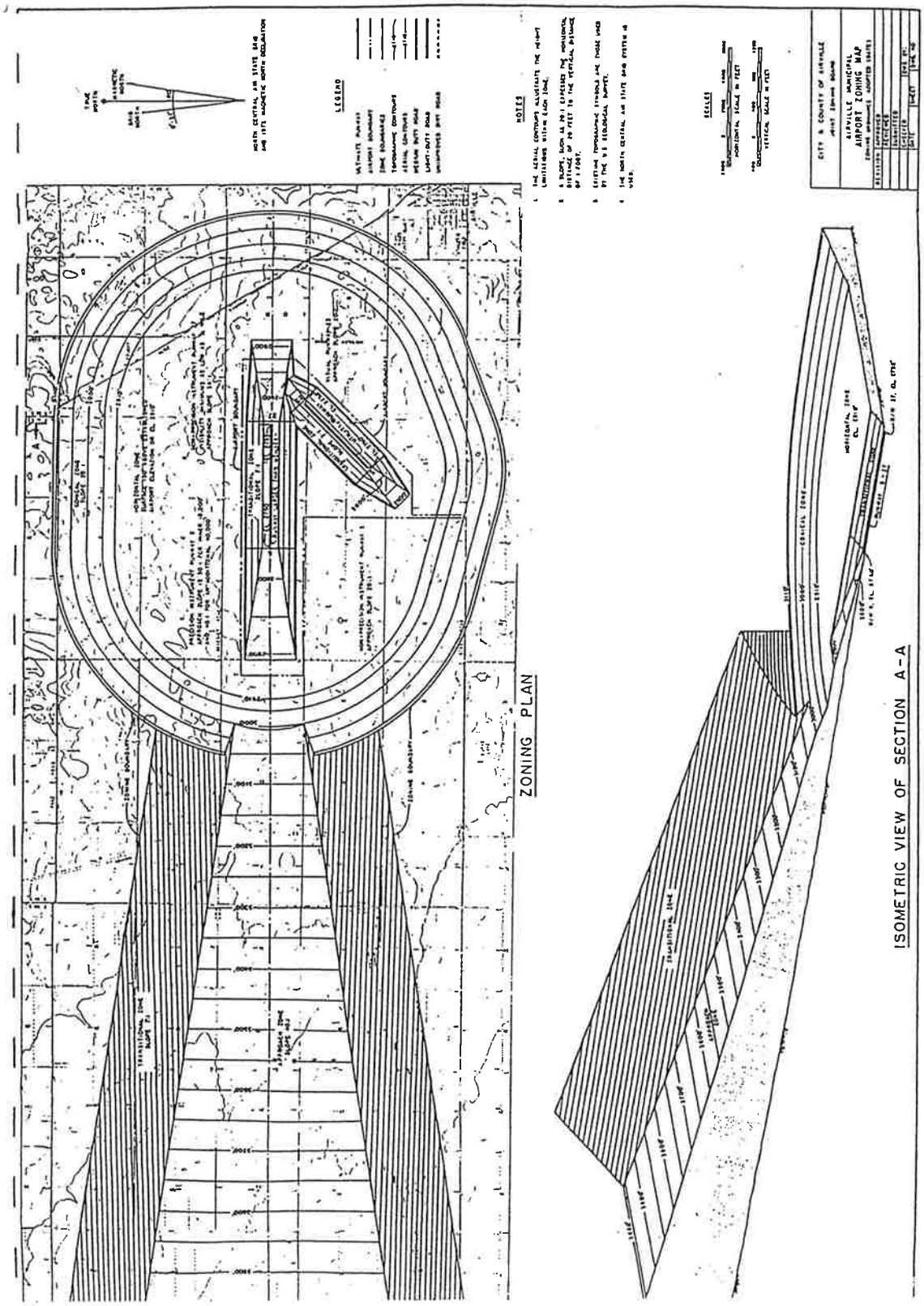
A. Four runways are shown (two runways per airstrip) with differing types of approach zones. Runways 9-27 are transport, or large aircraft category, runways with a precision instrument approach capability for Runway 9. This runway has an approach slope of 50:1 for the inner 10,000 feet and 40:1 for the next 40,000 feet. These slope ratios are read horizontal to vertical, so a 20:1 slope is measured 20 feet horizontal for every one foot vertical. For Runway 27 there is a nonprecision instrument approach, with a resulting approach slope of 34:1. The smaller runways, Runways 5-23, are utility, or small aircraft category, runways with a nonprecision instrument approach for Runway 5. Finally, Runway 23 has a visual approach. Approach slopes to Runways 5 and 23 are 20:1. These defined slopes for the appropriate runways are the approach zones which begin at the ends of the primary surface.

B. Transitional Zones are found parallel to runways and Approach Zones. They are shown as horizontally hashed areas and have geometric slopes of 7:1. They initiate at both the primary surface, parallel to the runway, and the approach surfaces parallel to them, and they strike away perpendicular to the runway center line from these surfaces.

C. Airport Zones are referred to in the graphic as "horizontal zones." Unlike the other zones they have no slope, but rather are flat surfaces set at 150 feet above and parallel to airport elevation. Their outer edge forms a periphery around the runway(s).

D. Conical Zones are those that create a circumference around the airport. They initiate at the Airport Zone (horizontal surface), have a slope of 20:1 and also strike away perpendicular.

Airport Safety Zoning Composite Graphic



Appendix

Objects Affecting Navigable Airspace

Federal Air Regulations

Part 77.25, 77.28 and 77.29

§ 77.25 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

(a) Horizontal surface—a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface — a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface — a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having nonprecision instrument approaches.

(3) For other than utility runways the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-forths statute mile.

(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface—a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-forths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface — these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the edge of the approach surface and at right angles to the runway centerline.

§ 77.27 [Revoked]

§ 77.28 Military airport imaginary surfaces.

(a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.

(1) Inner horizontal surface — a plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) Conical surface — a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) Outer horizontal surface — a plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) Related to runways. These surfaces apply to to all military airports.

(1) Primary surface—a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) Clear zone surface — a surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) Approach clearance surface—an inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) Transitional surfaces — these surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

§ 77.29 Airport imaginary surfaces for heliports.

(a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) Heliport approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) Heliport transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface, and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Distance Slope Matrix
Zoning Graphics Outline
Airport Safety Zoning Composite Graphic
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Chapter 38
ANIMALS

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[HISTORY: Adopted by the Board of Supervisors of the Nottoway County as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs at large at campsites — See Ch. 52.
Noise made by animals — See Ch. 82.
Reimbursement rates for livestock and fowl claims — See Ch. A128, Art. IV.

ARTICLE I
Boundary Lines as Fences
[Adopted 8-20-1945]

§ 38-1. Boundaries as lawful fences declared.

The boundary line of each lot or tract of land or any stream in Nottoway County, Virginia, be and the same hereby is declared to be a lawful fence as to any horse, mule, cattle, hogs, sheep or goats.

ARTICLE II
Burial or Cremation of Animals
[Adopted 2-17-1970; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 38-2. Responsibility of owner; failure to comply; action by Justice of the Peace.

The owner of any animal or grown fowl, which has died, when he knows of such death, shall forthwith have its body cremated or buried. If he fails to do so, any Justice of the Peace, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose.

§ 38-3. Recovery of costs.

The officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed $75, and of the owner of every fowl so cremated or buried the actual cost of the cremation or burial, not to

exceed $5, to be recovered in the same manner as officer's fees are recovered, free from all exemptions in favor of such owner.

§ 38-4. Exception.

Nothing in this article shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

§ 38-5. Enforcement.

This article shall be enforced by proceedings brought as in the cases of misdemeanors, in the County Court of Nottoway, Virginia, in like manner and with like right of appeal.

§ 38-6. Violations and penalties.

Any person violating the provisions of this article shall be guilty of a Class 4 misdemeanor.

ARTICLE III
Compensation for Livestock and Poultry Killed by Dogs
[Adopted 8-26-1976]

§ 38-7. Amount of compensation; evidence of value.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation from the governing body of Nottoway County a reasonable value of such livestock or poultry, but not more than the assessed value of such livestock based upon the fair market value of such livestock and the fair market value of unassessed lambs, calves and poultry. Nothing herein shall be construed as limiting the common-law liability of an owner of a dog for damages committed by it and when compensation is paid as above provided; the County of Nottoway shall be subrogated to the extent of compensation paid to the right of action to the owner of such livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. Claimants for damages shall furnish evidence under oath of quantity and value to the governing body of the said county within 60 days after sustaining such damage.

§ 38-8. Conditions.

No payment by the County of Nottoway shall be made under this article unless and until the claimant shall have exhausted his legal remedies against the owner of the dog doing the damage for which compensation under this article is sought. The governing body of the county may require the submission of evidence that the claimant has exhausted his legal remedies against the owner of the dog, if known. No payment shall be made by the County of Nottoway under the provisions of this article unless the owner of such livestock or poultry shall have notified the Animal Warden for Nottoway County of his intention to make a claim hereunder and shall

have afforded such Animal Warden an opportunity to view such livestock or poultry within 24 hours of the discovery by the owner of the death of or injury to such livestock or poultry, and such officer certifies to the governing body that he found physical evidence upon the animal or animals showing that a dog or dogs caused such injury or death.

ARTICLE IV
Dogs
[Adopted 1-17-1978]

§ 38-9. Purpose.[1]

Pursuant to and in compliance with § 3.1-796.84 et seq. of the Code of Virginia, known as the "Virginia Dog Laws," and pursuant to Virginia Code § 15.2-1300, as amended, the County of Nottoway, Virginia, enacts this article to administer an interlocal joint cooperative program regarding the ownership, maintenance and licensing of dogs of resident owners or custodians who reside within the boundary limits of the County of Nottoway, Virginia, and the hereinafter mentioned towns, and further in concurrence with ordinances enacted by the Town of Blackstone, Virginia, the Town of Crewe, Virginia, and the Town of Burkeville, Virginia, for the adoption of this article and its enforcement within the jurisdiction of said political subdivisions.

§ 38-10. Appointment of Animal Warden.

The County of Nottoway, Virginia, shall appoint an officer to be known as the "Animal Warden" and such additional officers known as "Deputy Animal Wardens" to enforce the provisions of § 3.1-796.84 et seq. of the Code of Virginia throughout Nottoway County and particularly including the political subdivisions aforesaid and this article and all laws of the Commonwealth for the protection of domestic animals. The County of Nottoway shall solicit advice or recommendations from all jurisdictions participating in the interlocal joint cooperative program prior to the appointment of any person to serve as Animal Warden.

§ 38-11. Licensing required.[2]

It shall be unlawful for any person to own a dog four months old or older unless such dog is licensed as required by the provisions of this article and § 3.1-796.85 et seq. of the Code of Virginia.

§ 38-12. Amount of license tax. [Amended 10-17-1978]

A. The amount of the annual license tax on each dog of resident owners or custodians who reside within the boundary limits of this county shall be $5 per year per dog.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

B. The tax for a kennel of 20 dogs shall be $25 per year. The tax for a kennel of 50 dogs shall be $35 per year.

C. The fee for a duplicate tag shall be $1. Licenses shall be issued for each calendar year, January 1 to December 31, inclusive. The license tax is payable as provided by § 3.1-796.88 of the Code of Virginia.

§ 38-13. Exemptions from license tax.[3]

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person or that is trained and serves as a service dog for a mobility-impaired person, as such terms are defined in § 3.1-796.87 of the Code of Virginia.

§ 38-14. Collection of license tax; expenditure of funds; distribution of surplus.

A. The County of Nottoway, Virginia, hereby designates and empowers the Treasurer of Nottoway County to collect said dog license taxes for the county. All moneys payable for such dog license taxes shall be paid to and collected only by the Treasurer of Nottoway County and shall be kept by him in a special account designated as the "Nottoway-Blackstone-Burkeville-Crewe Dog Fund Account."

B. The funds in said account are to be expended pursuant to § 3.1-796.101 of the Code of Virginia and § 38-23 herein as needed in the administration of this joint program, except that any surplus remaining in said account on December 31 of any year shall be divided as follows: Town of Blackstone, 24%; Town of Burkeville, 5%; Town of Crewe, 13%; County of Nottoway, 58%.

§ 38-15. Compensation for livestock and poultry killed by dogs.[4]

The payments to be made pursuant to § 3.1-796.118 of the Code of Virginia shall be made by the Administrator appointed herein from the Dog Fund Account created in § 38-14 of this article, provided that the Animal Warden certifies to the Administrator in writing that he has investigated the matter and believes the amount sought is proper. None of the requirements of § 3.1-796.118 of the Code of Virginia are waived.

§ 38-16. Supplemental funds.

The supplements to the Dog Fund required by § 3.1-796.102 of the Code of Virginia shall be made as follows: Town of Blackstone, 24%; Town of Burkeville, 5%; Town of Crewe, 13%; County of Nottoway, 58%.

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3 **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4 **Editor's Note: See also Article III of this chapter.**

§ 38-17. Dog pound.

The Animal Warden is directed to maintain a dog pound for the confinement of dogs pursuant to the provisions of § 3.1-796.96 of the Code of Virginia. Funds for the maintenance of said dog pound shall be appropriated by the Administrator appointed herein from the Dog Fund Account as created in § 38-14 of this article.

§ 38-18. Kennels.

The owner of a kennel shall securely fasten the identification plates provided therewith to the kennel enclosure in full view and keep one of the license tags attached to the collar of each dog authorized to be kept enclosed in the kennel. Any license tag not so in use must be kept by the owner or custodian and promptly shown to any Animal Warden or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel is a specified enclosure wherein dogs are kept and from which they cannot escape.

§ 38-19. Dogs running at large.

The County of Nottoway, Virginia, may by resolution annually prohibit the running at large of dogs in all or any designated portion of such county during such months as they may designate and require that dogs be confined or restricted or penned up during such periods, For the purpose of this article, a dog shall be deemed to running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this article.

§ 38-20. Unlawful acts.

The following shall be unlawful acts:

A. Female dog in season: during the period of any female dog being in season (bitch in heat), failure of the owner of such dog or the custodian to confine the dog in an enclosure which does not permit her to escape.[5]

B. Noisy or destructive dogs: keeping within the County of Nottoway any dog which by habitual barking or howling shall disturb the quiet of any other person or which shall habitually damage or destroy the property of others.

C. Diseased dog: for the owner or custodian of any dog with a contagious or infectious disease to permit such dog to stray unattended from his premises, if such disease is known or reasonably should have been known to the owner or custodian.

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[5] **Editor's Note: Original Subsection 2, which immediately followed this section and dealt with vicious dogs, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now Article VII of this chapter for provisions on vicious dogs.**

D. Removing collar and tag: for any person, except the owner or custodian, to remove a legally acquired tag from a dog.

E. Concealing a dog: for any person to conceal or harbor any dog on which the license tax has not been paid or to conceal a mad dog so as to keep the same from being killed.

F. License application: for any person to make a false statement in order to secure a dog license to which he is not entitled.

G. License tax: for any dog owner to fail to pay the license tax required by this article when due for the year in which it is due. In addition, the Court may order confiscation and the proper disposition of the dog.

H. Dead dogs: for any owner or custodian to fail to dispose of the body of his dog or any dog in his custody in violation of § 3.1-796.121 of the Code of Virginia.

I. Rabid dogs: for the resident owner or custodian to fail to have a dog four months old or older inoculated or vaccinated against rabies by a currently licensed veterinarian.[6]

J. Display receipts; tags: for the resident owner or custodian of a dog to fail to exhibit promptly on request for inspection by the Animal Warden or his deputy a dog license receipt or to permit any licensed dog to run or roam at large at any time without a license tag, except as specified by § 3.1-796.92 of the Code of Virginia.

§ 38-21. Issuance of warrant for dogs killing other dogs or domestic animals. [Added 2-15-1983]

Any Animal Warden who has reason to believe that any dog is killing other dogs or domestic animals, other than livestock or poultry, shall apply to a Magistrate for the issuance of a warrant requiring the owner or custodian, if known, to appear before a district court at a specified time. The Animal Warden or owner shall confine the dog until such time as evidence shall be heard and a verdict rendered. If it appears from the evidence that the dog has habitually killed other dogs or domestic animals, the judge may order the dog killed in accordance with § 3.1-796.119 of the Code of Virginia, as amended.

§ 38-22. Duration and termination of joint program.

This concurrent ordinance providing for the joint administration and enforcement of the Virginia Dog Laws shall remain in force and effect until repealed or modified by the County of Nottoway, Virginia. Property contributed by a local jurisdiction upon termination of the joint program shall be returned to it. Property purchased with money from the joint Dog Fund account created hereunder shall be divided proportionately as hereinafter mentioned or sold and the proceeds divided between the participating local jurisdictions upon termination of this joint program.

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6 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 38-23. Powers and duties of Administrator.

The County Administrator of Nottoway County, Virginia, is hereby designated and empowered to administer this interlocal cooperative ordinance for enforcement of the Virginia Dog Laws in each said jurisdiction. The Administrator is hereby directed to establish and maintain a budget for the financing of this article, and any said budget is to be presented for adoption by all of the participating local jurisdictions on or before January 1 of each calendar year. The Administrator shall perform his duties in accordance with § 15.2-1300 of the Code of Virginia. The Administrator shall show in the budget all personal and real property proposed to be acquired to equip the Animal Wardens, the dog pound and to enforce the provisions of the Virginia Dog Laws and this article. No other personal or real property shall be acquired or held unless specifically approved by vote of all of the governing bodies of the interlocal cooperative jurisdictions. All checks drawn upon the Dog Fund created hereunder shall be signed by the Administrator and countersigned by the Treasurer of Nottoway County, Virginia.

§ 38-24. Violations and penalties.

Any violations of this article shall be punishable by a fine of not more than $300 and/or jail imprisonment not to exceed 30 days, either or both, and shall be enforced by proceedings before a Judge of the General District Court of Nottoway County, as in the case of misdemeanors, with the like right of appeal.

ARTICLE V
Cats
[Adopted 4-16-1987]

§ 38-25. Vaccination required.

A. It shall be unlawful for any person to own, keep or harbor any cat over four months old within the county unless such cat has been vaccinated with a species-appropriate vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian and has received any required revaccination against rabies as specified in the certificate of vaccination.

B. Upon vaccination or revaccination of a cat as required by this section, a suitable and distinctive rabies tag and a certificate of vaccination, properly executed and signed by the licensed veterinarian performing the vaccination, shall be issued to the animal's owner by the veterinarian, who shall retain a copy of the certificate for his or her records.

C. The certificate issued pursuant to Subsection B of this section shall be NASPHV Form #50, or its equivalent, and shall certify that the cat has been vaccinated in accordance with this article and shall include the following information:

(1) The date of the vaccination.

(2) The date for required revaccination.

(3) The rabies tag number.

(4) A brief description of the cat or its age, sex and breed.

(5) The name and address of the animal's owner.

D. The certificate issued pursuant to Subsection B of this section shall be preserved by the owner of the cat and exhibited promptly upon request for inspection by the animal protection officer or any law enforcement officer.

E. Any person owning, keeping or harboring any cat over four months old shall have the required vaccination within 30 days from the day on which the cat is first owned, kept, harbored or moved into the county by the person, whichever is later.[7]

§ 38-26. Exceptions.

Section 38-25 of this article shall not apply to any cat temporarily brought into the county, for a period not to exceed 30 days, for showing or breeding purposes, if such cat remains confined at all times.

§ 38-27. Impoundment of unvaccinated cats.

A. It shall be the duty of the officials charged with the enforcement of this article to impound in the county pound any cat which has not been vaccinated as provided in § 38-25 of this article. Any cat which is found off of its owner's premises and not under the control or supervision of its owner or his agent and which is not wearing a valid rabies tag shall be presumed to be unvaccinated until its owner or his agent presents evidence of vaccination required by § 38-25. Any cat shall be held in the pound for a period of not more than five days, unless the cat is rabid or suspected of being rabid, in which case the cat shall be held for further observation or destroyed humanely, pursuant to § 38-28, upon authorization of the County Health Director or any person charged with the enforcement of this article.

B. Any cat impounded under this section which is not rabid or suspected of being rabid may be redeemed by the owner at any time within five days after the impoundment by paying the vaccinating fees and any other fees or fines that may be required by the county or the pound before release of the cat.

§ 38-28. Confinement or destruction of cats suspected of having rabies.

A. Cats found within the county reasonably suspected of having rabies or exhibiting the common symptoms of such disease shall be taken into custody immediately by the Animal Warden or any police officer and confined in the county pound or at a private veterinarian's establishment approved by the County Health Director in solitary confinement and kept under competent observation for such time as may be necessary to determine whether they are afflicted with rabies.

B. At the time any such cat is impounded, an attempt shall be made to discover whether the cat has been vaccinated previously against rabies. If it is found that such cat has not been vaccinated effectively, then such cat shall be so vaccinated by a licensed veterinarian on

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7 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

the last day of the observation period described in Subsection A above unless the animal is humanely destroyed pursuant to Subsection C below.

C. The Animal Warden may cause to be destroyed humanely any cat which, in the opinion of a veterinarian, has rabies or any cat which is in need of confinement pursuant to Subsection A above but such confinement is impossible or impracticable because there apparently is no owner or for other reasons. In such event, the Animal Warden shall arrange to have the head of such cat examined for the purpose of confirming rabies. If the opinion of a veterinarian as to whether an animal has rabies is not reasonably obtainable, the animal protection officer may act on his or her own opinion.

D. All expenses in connection with the provisions of this section shall be borne by the owner of the cat in question.

§ 38-29. Humane destruction of animals.

Nothing in this article shall prohibit the humane destruction of a seriously injured or sick animal, provided that arrangements are made with the state laboratory for examination of the animal's head for rabies, if the animal is suspected of being rabid.

§ 38-30. Concealing or withholding animal prohibited.

It shall be unlawful for any person to conceal or withhold any cat or other animal to keep it from being destroyed or confined in accordance with this article.

§ 38-31. Emergency declaration of quarantine.

When, in the judgment of the County Health Director, an emergency exists in the county due to a rabies epidemic, the Board of County Supervisors, for the protection of the public health, may declare a quarantine in the county and restrict all cats to their owner's premises or require them to be leashed under restraint of their owners in such a manner that person or animals will not be subject to the danger of being bitten by them, effective immediately upon the declaration by the Board of County Supervisors. Such declaration shall be operative for a period of 30 days but may be renewed by the Board of County Supervisors as necessary.

ARTICLE VI
Foxes, Skunks and Raccoons
[Adopted 4-16-1987]

§ 38-32. Prohibited acts.

The transportation or importation of foxes, skunks and raccoons from other jurisdictions into the county and the sale of foxes, skunks and raccoons in the county is prohibited. It shall be unlawful for any person to confine or keep any fox, skunk or raccoon as a pet or otherwise possess such animals.

ARTICLE VII
Vicious Dogs
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 38-33. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DANGEROUS DOG — A canine or canine crossbreed which has bitten, attacked or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

VICIOUS DOG — A canine or canine crossbreed which has killed a person; inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

§ 38-34. Issuance of summons; confinement of animal.

Any Animal Warden who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a Magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Warden or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The Court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the Court finds that the animal is a dangerous dog, the Court shall order the animal's owner to comply with the provisions of this article. If, after hearing the evidence, the Court finds that the animal is a vicious dog, the Court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119.

§ 38-35. Exceptions to finding of animal to be dangerous or vicious.

A. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed.

B. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; by a person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or by a person who was provoking, tormenting or physically abusing the animal or who can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

C. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog.

D. No animal which, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring or its owner or owner's property shall be found to be a dangerous dog or a vicious dog.

§ 38-36. Dangerous dog registration certificate; fee.

The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the Animal Warden for a fee of $50, in addition to other fees that may be authorized by law. The Animal Warden shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

§ 38-37. Conditions for issuance of certificates.

All certificates or renewals thereof required to be obtained under this article shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, and that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this article shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property, and the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

§ 38-38. Confinement on premises; leashing and muzzling off premises.

A. While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature.

B. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration but so as to prevent it from biting a person or another animal.

§ 38-39. Responsibility for dogs owned by minors.

If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article.

§ 38-40. Notification of Animal Warden.

After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the Animal Warden if the animal is loose or unconfined; bites a person or attacks another animal; is sold, given away or dies; or has been moved to a different address.

§ 38-41. Payment of fees into dedicated fund.

All fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this article, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under § 3.1-796.105.

§ 38-42. Violations and penalties.

The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this article shall be guilty of a Class 1 misdemeanor.

12/27/2018

Nottoway County Animal Control and Shelter

Mailing address:	Physical address:	Shelter hours:	
P.O. Box 92	349 Livestock Road	Monday-Thursday	2:00-3:30 PM
Nottoway, VA 23955	Blackstone, VA 23824	Saturday	12:00-2:00 PM

Telephone:
Direct (434) 292-1099
Emergencies: (434) 645-9044

Animal Control Officers:
Shelia Estes
Kim Lindberg

Nottoway County employs two Animal Control Officers who are responsible for the enforcement of state and local ordinances concerning domesticated animals. They are also responsible for both the incorporated and unincorporated areas of the county.

Additionally, the Animal Control Officers operate the county's modern shelter; investigates a variety of incidents involving domesticated animals, such as: dog bites, livestock kills, cruelty, etc.; and advises the County Administrator and the Board of Supervisors on domesticated animal issues.

All dogs four months of age and older in Nottoway County are required to have a rabies vaccination and a county dog license in which the Animal Control Officers enforce. Tags are issued annually, when a current rabies certificate and the animal(s) description is presented by the owner (or their agent) to the County Treasurer's office. Owners are subjected to a penalty if their animals do not have appropriate registration and tags, which are due on February 1st of each year.

Individual dog tags are $10.00 and $5.00 if the animal has been spayed or neutered; all kennel tags are $50.00. Cats are not required to have a tag but they must be vaccinated against rabies.

The Animal Control Officers pick up stray dogs and cats and they are housed within the shelter for five days with no owner identification and ten days with identification only when space is available. The shelter has ten dog runs and nine cat cages. While most of these animals have no known owner, those that do may be picked up by their owner after paying a pick-up fee and appropriate boarding fee. Also accepted are animals that are no longer wanted by their owner(s) providing space is available. The shelter does not accept aggressive animals or animals with a bite history. Strays are accepted before owner surrenders.

The Animal Control Officers make every effort to adopt shelter animals into caring and loving homes or secure rescue. Animals that are unclaimed by their owner(s) and/or unable to be adopted are humanely put down by a licensed veterinarian.

To see the animals that are available or on hold, please visit our Facebook page: Nottoway County Virginia Animal Shelter.

The shelter does have fees for animals that have been picked up and housed. The fee schedule for the shelter is as follows:

Pick Up Fee	$15.00 each animal
Boarding of Dogs and Cats	$10.00 first day $ 5.00 each day after

Dog confinement in Nottoway County is usually from April 1st to May 31st every year. During this time, all dogs are required to be confined to the owner's property or under the owner's direct control if off their property. Dogs running free during this time are subject to being picked up even if they are wearing a current tag.

The Animal Control Officers do not handle wild animals or pick up feral animals.

Animal Control does operate seven days a week and responds only to emergencies after hours. Stray or nuisance animals are not considered an emergency and will be picked up during the next business day.

NOTTOWAY COUNTY

ANIMAL CONTROL

DOG & CAT POLICY

Approved:

OCTOBER 18, 2018

Nottoway County Animal Control Policy – DOGS

For details on any Nottoway County Animal Control issue, call the Nottoway County Animal Shelter at (434) 292-1099.

STRAYS

Vacancy in Shelter — **No Vacancy in Shelter**

Will pick up Strays — **Will not pick up Strays**

No Collar/Unknown Owner — **Have Collar/Known Owner**

Scanned for Microchip

Not Found — **Found**

Contact Owner

Examined Illness / Injury — **Owner Picks Up** — **Owner Does Not Pick Up**

Held for five (5) Days — **Held for ten (10) Days**

Photographed and listed on Shelter's facebook page for adoption / rescue

Nottoway County Animal Control Policy – DOGS

For details on any Nottoway County Animal Control issue, call the Nottoway County Animal Shelter at (434) 292-1099.

SURRENDERED DOGS

Vacancy in Shelter — **No Vacancy in Shelter**

Acceptable

Aggressive / Bite History/ In need of Medical Assistance

Will not accept

Photographed and listed on Shelter's Facebook page for adoption / rescue

FEES

Pickup: $15.00
Boarding: $10.00 first day & $5.00 thereafter
Adoption: $10.00

NOTES

* ***Strays have shelter space priority over surrendered pets.***

* ***Animal Control does not pickup non-emergency surrenders.***

* ***Citizen pick-ups, stray, wandering, or nuisance dogs are not considered emergency and will be picked up during normal working hours..***

Animal Control does not provide ambulatory/medical care for known owned dogs.

Nottoway County Animal Control Policy – CATS

For details on any Nottoway County Animal Control issue, call the Nottoway County Animal Shelter at (434) 292-1099.

Owned Cats: **A cat is being fed and/or sheltered by a homeowner.**
Animal Control officers will not pick up.

Stray Cats: **A cat that has been abandoned or exhibits characteristics of once being a pet.**
Animal Control officers will pick up.

Feral Cats: **A cat exhibits characteristics of a wild animal.**
Animal Control officers will not pick up.

Injured Cats: **A cat that is need of veterinary care.**
Animal Control will not be responsible for injured / sick owned cats.
Animal Control may pick up injured stray and feral cats if they can be caught.

Surrendered Cats: **Owned cats brought to the shelter to transfer responsibility to Nottoway County Animal Control.**

Animal Control will not accept injured / sick surrendered cats. Owner will be responsible and may be subject to citation if proper care is not administered.

Animal Control will only accept surrendered cats if space is available in the Nottoway County Animal Shelter.

INTAKE OF DOGS DUE TO OWNER SURRENDER

Accurate and consistent record keeping and tracking of all dogs housed at the Nottoway County Public Animal Shelter is essential for overall control, evaluation and management. In addition to the required actions for intake of all dogs, the following are to apply in situations when dogs are surrendered by their owners.

Owner Surrenders:

Dogs surrendered by their owners are accepted only if there is room at the Shelter.

1. **Owner Surrender Form**:

Every individual surrendering a dog must sign a statement that they are the rightful owner of the dog and that ownership of the dog is relinquished to Nottoway County. In every case, staff must ask the person to sign the form. Individuals surrendering their dogs must attest, by signing the Owner Surrender Form that they understand relinquishment is final and the dog will not be returned to them. Owners shall be informed that the dog will be eligible for transfer to an approved adoption or rescue agency, or euthanasia, from the date the form is signed

2. **Personal Property:**

Any toys, blankets, collars, etc. that are brought in with the dog become the personal property of the animal, and should be recorded on the Animal Information Form. The dog may feel more comfortable when he has something with him that he recognizes by smell. If the dog is subsequently transferred to an approved adoption or rescue organization, those possessions are to be kept with the animal, if possible.

3. **Vaccination/Health Information**:

If the individual surrendering the dog has vaccination and/or health information, that information is made available to the County at the time of the dog's acceptance and entry to the shelter, and placed in the dog's file. If no health and/or vaccination information is available, the surrendered dog, upon arrival, receives the standard vaccinations and preventative care, as set forth in these policies and deemed appropriate by the Animal Control Officer or a consulting veterinarian.

4. **Kennel:**

Place the dog in an appropriate kennel with a bowl of fresh water and food. Nursing mothers'and their young are housed together. Puppies from the same litter may be housed together, at the discretion of the Animal Control Officer.

5. **Shelter Identification**:

Each animal is assigned an intake number/name. The intake number/name is recorded on all applicable documentation (Animal Information Form, Kennel Card, etc.).

6. **Processing Paperwork**:

Make sure that all information is recorded appropriately as follows:
a. Log Sheet:
Every animal that is surrendered shall be entered onto the log sheet.
b. Animal Intake Sheet:
The intake of all animals is handled on the Animal Intake Sheet. Document all available information on the Animal Intake Sheet. The Animal Intake Sheet is placed in a folder marked with the animal's name and intake number.
c. Kennel Cards:
Kennel Cards are filled out and attached to the front of each kennel.

INTAKE OF STRAY DOGS

Accurate and consistent record keeping and tracking of all stray dogs housed at the Nottoway County Public Animal Shelter are essential for overall control, evaluation and management of animals and possible identification by owners. In addition to the required actions for intake of all dogs, the following apply in situations when a dog is designated a stray.

Strays:

Dogs designated and identified as strays are accepted into the Shelter. Any individual turning in a stray dog must be informed of the possibility of euthanasia after a period of either seven (7) or ten (10) days when a stray or found dog is surrendered.

1. Secure Dog:
Immediately secure the dog in a cage, kennel or on a leash prior to initial inspection, and follow handling procedures specific to dangerous or injured dogs when applicable. Place the dog in an appropriate kennel with a bowl of fresh water and food. Nursing mothers and their young are housed together. Puppies from the same litter may be housed together, at the discretion of the Animal Control Officer.

2. Check for Identification:
Check for any identification, such as license, ID tag, or Rabies tag. Check the dog for branding, and ears and inner thighs for tattoos. Check for a microchip using the scanner. Remove the collar, if applicable, and check for identification information on its underside. Check the Lost and Found Board to determine if the animal was reported missing. If there is a match, follow the instructions listed on the report.

3. Document Information:
Document all information found on the dog, including the date and where found, breed, color, type, sex, tag and/or microchip number, and color of collar, on the Animal Intake Sheet.

4. Initial Observations and Evaluation:
An initial observation and evaluation is performed on the dog by Animal Control Officer or qualified trained staff or volunteer, to assess for temperament and recorded on the Animal Intake Sheet. Physically inspect the dog, and document the physical description in the appropriate areas on the Animal Intake Sheet. Any injuries or symptoms of illnesses are to be documented. Additionally, document any behavior problems or observations relayed by any citizens or officials, if applicable. Note any observable behavior that requires special handling on the Kennel Card. If illness or injury is noted, state law mandates that the animal be examined by a veterinarian.

5. Shelter Identification:
Each dog is assigned an intake number. The intake number is recorded on all applicable documentation (Animal Intake Sheet, Kennel Card, etc.).

6. Processing Paperwork:
Make sure that all information is recorded appropriately on the Animal Intake Sheet, Kennel Card and dog's folder.
a. Log Sheet;
Every dog that is surrendered shall be entered onto the log sheet.
b. Animal Intake Sheet:
The intake of all dogs is handled on the Animal Intake Sheet.
Document all available information on the Animal Intake Sheet. The Animal Intake Sheet is placed in a folder marked with the dog's name and intake number.
c. Kennel Cards:
Kennel Cards are filled out and attached to the front of each kennel.

approved
Board of Supervisors
2-16-17
K Eppard, Co Adm.

July 14

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 17th DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND FOURTEEN AND IN THE 239th YEAR OF THE COMMONWEALTH:

PRESENT: CLARENCE SIMPSON, CHAIRMAN
STEVEN BOWEN, VICE-CHAIRMAN
GARY SIMMONS
SHERMAN VAUGHN
RONALD E. ROARK, CLERK

ORDINANCE TO AMEND
CHAPTER 38 OF THE
NOTTOWAY COUNTY CODE
ANIMALS

ARTICLE I
Definitions, Animal Warden, Cruelty to Animals, & Rabid Animals

§ 38-1. DEFINITIONS.

Adequate feed: Adequate feed means the provision, at suitable intervals, at least once daily, of quantities of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in an animal.

Adequate shelter: Adequate shelter means shelter that may reasonably be expected to protect an animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Adequate water: Adequate water means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals and in a suitable manner for the species at least once daily at any interval.

Animal: Animal means domestic animals, including both agricultural and companion animals, as defined in § 3.2-6500 of the Code of Virginia, 1950, as amended, if not specified otherwise.

Companion animal: Companion animal means any domestic or feral dog, domestic or feral cat, guinea pig, hamster, rabbit not raised for human food or fiber, reptile, exotic or native bird, any feral animal, any animal under care, custody, or ownership of a person, or any animal bought, sold, traded, or bartered by any person. Livestock, game species, wild or exotic animals.

Confinement: Confinement means confinement of the animal in a building, pen, or by some other suitable escape proof method or enclosure.

Livestock: All domestic or domesticated cattle, horses, sheep, goats, pigs, cervadae animals, cepradae animals, animals of the genus llama, flightless birds, enclosed domesticated rabbits or hares and any other animal specifically raised for food or fiber, except wild or exotic animals.

Owner: Any person who has a right of property in an animal, or who keeps or harbors an animal, or has it in his care or acts as its custodian.

Quarantine: Quarantine means the strict isolation of an animal for a designated period of time in a veterinary hospital, the Animal Shelter, or at the owner's residence that prevents direct contact between the animal and any human or animal, but allows for the feeding and watering of the animal and cleaning of the enclosure.

§ 38-2. ANIMAL WARDEN

(a) The County of Nottoway, Virginia, shall appoint an officer to be known as the "Animal Warden". The Animal Warden shall be appointed by the Board of Supervisors. The Animal Warden shall enforce the provisions of this chapter and

perform such other duties as may be prescribed by state law or the Board of Supervisors. For all purposes, the term Animal Warden and Animal Control Officer are synonymous.

(b) The duties of the Animal Warden shall also comply with state law; such duties are set forth in Section 3.2-6555 et seq. of the Code of Virginia.

(c) The Board of Supervisors may appoint one or more deputy Animal Wardens to assist the Animal Warden in the performance of his duties.

§ 38-3. CRUELTY TO ANIMALS

Any person who:

(1) Overrides, overdrives, overloads, tortures, ill-treats, willfully inflicts inhumane injury to, or cruelly or unnecessarily beats, maims, mutilates or kills, any animal, whether belonging to himself or another; or
(2) Deprives any animal of adequate sustenance, feed, water or shelter; or
(3) Willfully sets on foot; instigates, engages in, or in any way furthers any act of cruelty to any animal; or
(4) Carries or causes to be carried, in or upon any vehicle or vessel or otherwise, any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering; or
(5) Causes any of the above things, or being the owner of such animal, permits such acts to be done by another; shall be guilty of a Class 1 misdemeanor.

Nothing in this section shall be construed to prevent the dehorning of cattle.

State law reference—Preventing cruelty to animals, Virginia Code § 3.2-6566

ARTICLE II
Abandoned Animals, Burial and Cremation, Unclaimed Livestock, & Boundary Lines

§ 38-4. ABANDONING DOMESTIC ANIMALS

Any person who shall abandon any dog, cat or other domesticated animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another shall be guilty of a Class 3 misdemeanor.

State law reference—Abandonment of Animal; penalty, Virginia Code § 3.2-6504

§ 38-5. BURIAL OF CREMATION OF ANIMALS

(a) The owner of any animal or grown fowl, which has died, when he knows of such death, shall forewith have its body cremated or buried. If he fails to do so, any Justice of the Peace, or the Animal Warden, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose.

(b) Recovery of Costs. The officer or other person shall be entitled to recover from the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed $100, and from the owner of every fowl so cremated or buried the actual cost of the cremation or burial, not to exceed $20, to be recovered in the same manner as officer's fees are recovered, free from all exemptions in favor of such owner.

(c) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl, which is to be used for food or in any commercial manner.

(d) Any person violating the provisions of this article shall be guilty of a Class 4 misdemeanor.

State law reference—Buried or cremation of animals, etc., Virginia Code §18.2-510

§ 38-6. UNCLAIMED LIVESTOCK

(a) It shall be unlawful for the owner or manager of livestock to permit such livestock to run at large beyond the limits of his own lands within the county, magisterial district, or portion of such county wherein such boundaries have been constituted and shall be a lawful fence. If such livestock goes unclaimed for a period of 3 or more days, the property owner which such unclaimed livestock remains on, may contact the Animal Warden to remove the animal from his or her property. Before contacting the Animal Warden, the property owner must have made a reasonable effort to contact the owner of the livestock, and demand that it be removed from his or her property.

(b) After removing the livestock, the Animal Warden shall house the animal in a livestock market, or any other housing facility designated by the County, for a period of not less than 5 days. The Animal Warden shall contact the owner of the livestock, if, at any time, the owner of the livestock becomes discernible through either the animal's markings, or the location the animal was retrieved. After 5 days, the Animal Warden may sell the animal and the proceeds will be allocated by the County Administrator to the Animal Fund.

(c) If the livestock is claimed by the rightful owner, the owner is responsible for paying any fees associated with housing the animal at the livestock market. Such fees shall be paid in full to the County Administrator, before the owner may pick the animal up from the livestock market. The fees will be allocated to the Animal Fund designated by the county.

(d) Nothing in this section shall limit the remedies of a landowner, as defined in § 55-316 of the Code of Virginia.

State law reference—When unlawful for animals to run at large, Virginia Code § 55-316 [See also § 55-306].

§ 38-7. BOUNDARIES AS LAWFUL FENCES DECLARED

The boundary line of each lot or tract of land or any stream in Nottoway County, Virginia, is declared to be a lawful fence as to any livestock.

State law reference—How governing body may make local fence law, Code of Virginia §55-310

ARTICLE III
Rabid Animals & Vaccination Requirements

§ 38-8. RABID ANIMALS

(a) When there is sufficient reason to believe that a rabid animal is at large, the Board of Supervisors may pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs or cats to keep them confined on their premises unless leashed under restraint of the owner so that persons or animals will not be bitten by the rabid animal. Any such ordinance shall be valid for no more than 30 days, unless renewed by the Board of Supervisors. Such ordinance may be limited to a certain district of the County or may encompass the entire County.

(b) Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for as long as may be necessary to diagnose them. If confinement is impossible or impracticable, the dog or cat shall be euthanized by one of the methods approved by the state veterinarian.

(c) Every person having knowledge of the existence of an animal apparently afflicted with rabies shall immediately report the animal to the

Animal Warden or County Administrator, and describe the location where the animal was seen, the owner's name, if known, and the animal's symptoms.

State law reference—Rabid Animals, Code of Virginia, §3.2-6522

§ 38-9. VACCINATION OF DOGS & CATS—Generally

(a) It shall be unlawful for any person to own, keep or harbor any dog or cat, four months of age or older, within the county unless the dog or cat has been vaccinated against rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises, and has received any required revaccination against rabies as specified in the certificate of vaccination.

(b) Upon vaccination or revaccination of a dog or cat as required by this section, a rabies tag and a certificate or vaccination, properly executed and signed by the supervising veterinarian, shall be issued to the animal's owner who shall retain a copy of the certificate for his records.

(c) The certificate of vaccination shall certify that the dog or cat has been vaccinated in accordance with this article, and shall include all the following information:

(1) The date of the vaccination
(2) The date for required revaccination
(3) The rabies tag number
(4) A brief description of the dog or cat and its age, sex and breed
(5) The animal's owner's name and address

(d) The certificate of vaccination shall be preserved by the animal's owner and exhibited promptly at the request of the animal warden or any law enforcement officer.

State law reference—Rabies inoculation of companion animals, Code of Virginia, §3.2-6521

ARTICLE IV
Dogs

§ 38-10. COMPENSATION FOR LIVESTOCK AND POULTRY KILLED BY DOGS

(a) Any person who has livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation, the fair market value of such livestock or poultry, not to exceed four hundred dollars ($400.00) per animal or ten dollars ($10.00) per fowl, provided that: (i) the Animal Warden shall have been notified of the incident within seventy (72) hours of its discovery; (ii) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the animal upon which an execution has been returned unsatisfied.

(b) The requirements of (i) and (iii) may be waived if the Animal Warden has investigated the incident and supports the claim. Upon payment under this section the County shall be subrogated to the right of action of the owner of the livestock or poultry against the owner of the dog to the extent of compensation paid, and may enforce the same in an appropriate action at law.

State law reference—Compensation for livestock and poultry killed by dogs, Code of Virginia, § 3.2-6553

§ 38-11. DOGS, KILLING, INJURING OR CHASING LIVESTOCK OR POULTRY

It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harborer of the dog to produce the dog.

Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed immediately.

State law reference—Dogs killing, injuring or chasing livestock or poultry, Virginia Code §3.2-6552

§ 38-12. DOGS RUNNING AT LARGE

(a) Nottoway County does not have a restriction on dogs running at large within the county; however, the Board of Supervisors may, at any time, mandate that all dogs be kept confined to the owner or custodian's premises.

§ 38-13. DANGEROUS AND VICIOUS DOGS

As used in this section, the following terms shall have the meanings indicated:

DANGEROUS DOG—Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

VICIOUS DOG—Vicious dog means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit behavior that resulted in a previous finding by a court or an animal warden as authorized pursuant to the provisions of subsection (b), that it is a dangerous dog, provided that its owner has been given notice of that finding.

(a) Any Animal Warden who has reason to believe that a canine or canine crossbreed within the county is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or the custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Warden shall confine the animal until such

time as evidence shall be heard and a verdict rendered. If the Animal Warden determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.2-6540.1 of the Code of Virginia, 1950, as amended.

(b) *Animal Warden may determine a dog to be a dangerous dog.* Notwithstanding the provisions of subsection (a) of this section, the Animal Warden may determine, after investigation, whether a dog is a dangerous dog. If the Animal Warden determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this section. If the animal's owner disagrees with the Animal Warden's determination, he may appeal the determination to the general district court for a trial on the merits.

(c) *Registration certificate.* The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the Animal Warden for a fee of $50.00, in addition to other fees that may be authorized by law. The Animal Warden shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. Furthermore, all certificates or renewals thereof required by the section shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination.

(d) *Confinement on premises, leashing/muzzling off premises.* While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(e) *Penalty for violation of this section.* The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.

(f) *Disposition of fees.* All fees collected pursuant to this section, less costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training courses needed for the county's Animal Warden.

State law reference—Control of Dangerous dogs, Virginia Code § 3.2-6540

§ 38-14. EXCEPTIONS TO FINDING OF ANIMAL TO BE DANGEROUS OR VICIOUS

(a) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed nor shall the local governing body prohibit ownership of a particular breed of canine or canine crossbreed.

(b) No animal shall be found to be a dangerous dog or vicious dog if the threat, injury, or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; or by a person who was committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or by a person who was provoking, tormenting or physically abusing the animal or who can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

(c) No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous or vicious dog.

(d) No animal which, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring or its owner or owner's property shall be found to be a dangerous dog or vicious dog.

§ 38-15. RESPONSIBILITY FOR DOGS OWNED BY MINORS

If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article.

§ 38-16. NOTIFICATION OF ANIMAL WARDEN

After an animal has been found by a court to be a dangerous dog, or by the Animal Warden, as specified in section 38-9(b) of this article, the animal's owner shall immediately, upon learning of same, notify the Animal Warden if the animal is loose or unconfined; bites a person or attacks another animal; is sold, given away or dies; or has been moved to a different address. Any owner of any animal under this section that has been found to be a dangerous dog, who willfully fails to comply with this requirement, shall be guilty of a Class 1 misdemeanor.

§ 38-17. TAX IMPOSED

An annual license tax on the ownership of dogs in this county is hereby imposed in the following amounts:

(a) All dogs, regardless of sex, not covered by multiple dog licenses, $8.00.

(b) Duplicate license, $1.00.

(c) For a multiple dog of 20 dogs (Kennel), $50.00.

(d) For a multiple dog of 50 dogs (Kennel), $50.00.

ARTICLE V
Foxes, Skunks, & Raccoons

The transportation or importation of foxes, skunks and raccoons from other jurisdictions into the county and the sale of foxes, skunks and raccoons in the county is prohibited. It shall be unlawful for any person to confine or keep any fox, skunk or raccoon as a pet or otherwise possess such animals. Anyone violating this article shall be guilty of a Class 1 misdemeanor. This section shall not apply to anyone that is lawfully licensed to have a fox pen, as authorized by the Virginia Department of Game & Inland Fisheries.

Adopted this 17th day of July, 2014 by a vote of four in favor and none opposed.

Clarence A. Simpson
Chairman

Ronald E. Roark, Clerk

Codes for Receipts

ALBD	Boarding of Dogs
ALPU	Pick Up Fee
ADOPT	Adoption Fee
DONAT	Donations
DMISC	Miscellaneous
ALDDF	Dangerous Dog Fee

Boarding Fees:	$10.00 for day 1 (must stay overnight)
	$5.00 for each day after day 1
Pick Up Fee:	$15.00
Adoption Fee:	$10.00

LIVESTOCK CLAIM

Nottoway County Administration Office, P.O. Box 92, Nottoway, VA 23955 434-645-8696

§ 3.2-6553. Compensation for livestock and poultry killed by dogs. Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed $750 per animal or $10 per fowl if (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Name: _____ Date: _____

Address: _____ Phone: _____

_____ Email: _____

TO THE BOARD OF SUPERVISORS OF NOTTOWAY COUTNY, VIRGINIA:

I hereby certify that on the _____ day of _____, 20_____, a dog or dogs entered my premises and (check all that apply) _____injured, _____killed, _____destroyed, the following poultry and/or livestock.

_____	Sheep	Assessed Value each	_____	Total_____
_____	Goats	Assessed Value each	_____	Total_____
_____	Rabbits	Fair Value each	_____	Total_____
_____	Chickens/Fowl	Fair Value each	_____	Total_____
_____	Baby Chicks	Fair Value Each	_____	Total_____
_____	Cattle	Fair Value Each	_____	Total_____
_____	Horses	Fair Value Each	_____	Total_____
_____	_____	_____	_____	Total_____
				Grand Total_____

Check the box for the correct statement below:

☐ I further certify that the owner or owners of the dog or dogs that did the damage is/are:

Name(s):_____

☐ I do not know the owner or owners of the dog or dogs that did the damage.

_____

Signature

I, the undersigned, do hereby certify that I know to my personal knowledge or by careful investigation, that the above livestock was killed by dogs.

_____

Animal Control Officer

Subscribed and sworn/affirmed to me, this _____ day of _____, 20_____.

_____

County Administrator

Dec 2001

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSDAY, THE 20TH DAY OF DECEMBER, IN THE YEAR OF OUR LORD TWO THOUSAND ONE AND IN THE 226th YEAR OF THE COMMONWEALTH:

PRESENT: SIDNEY E. LOCKE, CHAIRMAN
JACK J. GREEN, VICE CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
R. RAY TAYLOR
R. E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND SECTION 38-17 OF THE NOTTOWAY COUNTY CODE IMPOSING A SERVICE FEE OF $15.00 FOR ANIMAL PICK-UP AND TRANSPORTATION

BE IT ORDAINED by the Nottoway County Board of Supervisors that a service fee of Fifteen Dollars ($15.00) is hereby imposed to offset the cost incurred by the Animal Control Officer in the pick-up and transporting of animals.

This service fee is to be collected by the Animal Control Officer or County Administrator prior to the release of the animal to its owner/custodian.

Funds collected are to be promptly transmitted to the County Treasurer.

Done this 20th day of December, 2001 by a vote of 5 FOR and 0 OPPOSED.

FOR THE BOARD OF SUPERVISORS:

BY: S. E. Locke
S. E. Locke, Chairman

ATTEST:

Ronald E. Roark
Ronald E. Roark, Clerk

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 18th DAY OF JANUARY IN THE YEAR OF OUR LORD TWO THOUSAND SEVEN AND IN THE 231st YEAR OF THE COMMONWEALTH:

PRESENT: JACK J. GREEN, CHAIRMAN
SHERMAN C. VAUGHN, VICE CHAIRMAN
CLARENCE A. SIMPSON
SIDNEY LOCKE
JAMES W. KING
RONALD E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND ARTICLE IV, ARTICLE V AND ARTICLE VII OF THE NOTTOWAY COUNTY CODE

The following amendments to Article IV, Article V and Article VII are hereby adopted to become effective upon the date of adoption:

1. Wherever used in the Ordinance, the term "Animal Warden" shall be amended to "Animal Control Officer".

2. The amount of the annual tax on each dog shall be $8.00 per year per dog.

3. The tax for a kennel shall be $50.00 per year.

4. The penalty for violations as set forth in Section 38-24 shall be a fine of not more than $250.00.

5. Article VII (vicious dogs) is hereby repealed, it being the intention of Nottoway County to rely on the State statute regulating vicious dogs.

Adopted this 18th day of January, 2007 by a vote of 5 in favor and 0 opposed.

Jack J. Green, Chairman
Board of Supervisors
County of Nottoway, Virginia

ATTEST:

Ronald E. Roark, Clerk to the Board

Section set out twice. — The section above is effective July 1, 2007. For the version of this section effective until July 1, 2007, see the preceding section, also numbered 3.1-796.90.

Editor's note. — Acts 2006, c. 836, cl. 2, provides: "That the provisions of this act shall become effective on July 1, 2007."

Acts 2006, c. 836, cl. 3, provides: "That the Treasurers' Association of Virginia and the Virginia Veterinary Medicine Association, in consultation with the Virginia Municipal League and the Virginia Association of Counties, are requested to develop and distribute to their members, no later than October 1, 2006, uniform application forms and materials for implementing the provisions of this act."

The 2006 amendments. — The 2006 amendment by c. 836, effective July 1, 2007, in the second sentence, deleted "and the calendar year for which issued" following "license," and added "or other identifying information prescribed by the locality"; and deleted the third sentence, which read: "The tag may be stamped or otherwise marked to show the sex of the dog or cat."

§ 3.1-796.92. Displaying receipts; dogs to wear tags. — Dog and cat license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag. The owner of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner. (1984, c. 492, § 29-213.62; 1987, c. 488; 1990, c. 365; 1993, c. 817; 1998, c. 817.)

The 1998 amendment substituted "control officer" for "warden" in the first sentence.

§ 3.1-796.93:1. Control of dangerous or vicious dogs; penalties. — A. As used in this section:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

B. Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a

summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of $50, in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

F. All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted

with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least $100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least $100,000.

G. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3, within 45 days of such a finding by a court of competent jurisdiction.

The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.1-796.104:1.

M. The governing body of any locality may enact an ordinance parallel to this statute regulating dangerous and vicious dogs; provided, however, that no locality may impose a felony penalty for violation of such local ordinances. (1993, c. 977; 1994, c. 115; 1997, cc. 582, 892; 1998, c. 817; 2000, cc. 11, 727; 2003, cc. 785, 841; 2006, cc. 837, 864, 898.)

Cross references. — As to recovery of damages when dog injures or kills other companion animals, see § 3.1-796.127:1. As to punishment for Class 6 felonies, see § 18.2-10.

Editor's note. — Acts 2006, cc. 837, 864 and 898, in cl. 3 provide: "That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is $0 for periods of commitment to the custody of the Department of Juvenile Justice."

Acts 2006, cc. 837, 864 and 898, in cl. 4 provide: "The State Veterinarian shall provide to the General Assembly report of the progress in development of the Commonwealth of Virginia Dangerous Dog Registry on or before November 1, 2006, and shall have the Commonwealth of Virginia Dangerous Dog Registry operational on or before July 1, 2007."

The 1997 amendments. — The 1997 amendment by c. 582 added subsection D.

The 1997 amendment by c. 892, in subsection C, deleted "by a court" following "The owner of any animal found" at the beginning of subdivision 3, deleted "by a court" following "an animal found" in the first and third sentences of subdivision 5, deleted "by a court" following "an animal found" in subdivision 6, and deleted "by a court" following "has been found" in subdivision 7; and added subsection E.

The 1998 amendment substituted "control officer" for "warden" throughout the section; inserted "local" in the first sentence of subdivision C 3; and substituted "control officer's" for "warden's" in the last sentence of subsection E.

The 2000 amendments. — The 2000 amendments by cc. 11 and 727 are identical, and in subdivision C 1, deleted "or owner" following "The animal control officer" near the beginning of the third sentence, and inserted the current fourth sentence, which begins "If the animal control officer determines."

The 2003 amendments. — The 2003 amendment by c. 785 substituted "that" for "which" throughout the section; inserted "or an animal control officer as authorized by local ordinance pursuant to the provisions of subsection E" near the end of the definition of "Vicious dog" in subsection B; substituted "10" for "ten" and "fee of $50 or an amount as set by local ordinance but not to exceed the costs incurred by the locality to administer this program" for "fee of fifty dollars" in the first sentence of subdivision C 3; substituted "18" for "eighteen" in the first sentence of subdivision C 4 and in subdivision D 2; and substituted "$100,000" for "$50,000" in subdivision D 2.

The 2003 amendment by c. 841 rewrote subsection B, and substituted "that" for "which" in the third sentence of subdivision C 2, in the second sentence of subdivision C 3, and in subdivision C 8; and substituted "18" for "eighteen" in the first sentence of subdivision C 4 and in subdivision D 1.

The 2006 amendments. — The 2006 amendment by cc. 837, 864, and 898 are identical, and rewrote the section.

§ 3.1-796.93:2. Authority to prohibit training of attack dogs. — Any county with the urban county executive form of government may enact an ordinance which prohibits persons from training dogs on residential property to attack. As used in this section, *"attack"* means to attack or respond aggressively, either with or without command. Any such ordinance shall exempt from its provisions the training of dogs owned by any person who resides on the property. (1999, c. 848.)

Nov 19

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 21st DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND NINETEEN AND IN THE 244TH YEAR OF THE COMMONWEALTH:

PRESENT: STEVE BOWEN, CHAIRMAN
GARY SIMMONS, VICE CHAIRMAN
HELEN SIMMONS
SHERMAN VAUGHN
NOEL SHEKLETON
RONALD E. ROARK, CLERK

AN ORDINANCE TO ADD CHAPTER 39 TO THE NOTTOWAY COUNTY CODE, THREATENING DOGS.

§39-1. Determination as threatening dog.

A. Notwithstanding the provisions of this section, an Animal Control Officer, or County law enforcement officer, may determine, after investigation, when a dog is a threatening dog. Factors to be used to make this determination shall include, but not be limited to, the following:
   (1) Proximity of the dog to the person at the time of the actions and/or behaviors;
   (2) Barking;
   (3) Snarling;
   (4) Growling;
   (5) Raised hackles;
   (6) The bearing of teeth and/or snapping of the teeth;
   (7) Attempting to bite and/or the grabbing of the clothes of the person without skin contact; and
   (8) Chasing the person.

B. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination for a trial on the merits.

C. Any person, Animal Control Officer, or County law enforcement officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a threatening dog shall apply to a Magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Control Officer, or county law enforcement officer, shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Animal Control Officer, or County law enforcement officer, determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds the animal is a threatening animal, the court shall order the animal's owner to comply with the provisions of this article.

§39-2. Exceptions.

A. No canine or canine crossbreed shall be found to be threatening solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed.

B. No animal shall be found to be threatening to a non-invitee when such animal remains on its owner's property.

C. No animal shall be found to be threatening if the threat was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; or who was committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian,; or who was provoking, tormenting, or physically abusing the animal; or who can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

D. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a threatening dog.

E. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a threatening dog.

Nov 19
p2

§39-3. Threatening dog registration certificate; fee; identification tag required.

A. The owner of an animal found to be a threatening dog shall, within 10 days of such finding, obtain a threatening dog registration certificate from the Treasurer's office for a fee of $50, in addition to other fees that may be authorized by law.
B. The local Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a threatening dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.
C. All certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

§39-4. Control of threatening dogs.

While on the property of its owner, an animal found to be a threatening dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height, and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off the owner's property, an animal found to be a threatening dog shall be kept on a leash.

§39-5. Ownership by minors.

If the owner of an animal found to be threatening is a minor, the custodial parent or legal guardian shall be responsible for complying with all the requirements of this article.

§39-6. Notification of animal control authority.

After an animal has been found to be a threatening dog, the animal's owner shall immediately, upon learning the same, notify the Sheriff's Office if the animal is loose or unconfined; threatens a person; bites a person or attacks another animal; is sold, given away, or dies; or has been moved to a different address.

§39-7. Violations and penalties.

A violation of this article shall be punishable as a Class 3 misdemeanor for the first offense, and any subsequent violation shall be punishable as a Class 1 misdemeanor.

Done this 21st day of November, 2019 by a vote of 5 in favor and 0 opposed.

BY: Stephen W. Bowen
Stephen W. Bowen, Chairman

Attest:

Ronald E. Roark
Ronald E. Roark, Clerk

Chapter 45

BUILDING CONSTRUCTION

§ 45-1. Statutory authority.
§ 45-2. Building inspection fees.
§ 45-3. Payment of building inspection fees.
§ 45-4. Building permit and inspection required; waiver.
§ 45-5. Right of appeal.
§ 45-6. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 8-19-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Airport zoning — See Ch. 35.
Subdivision of land — See Ch. 106.
Zoning — See Ch. 125.

§ 45-1. Statutory authority.

It is hereby ordained by the Board of Supervisors of Nottoway County, Virginia, pursuant to Article 1, Chapter 6, Title 36, § 36-105 of the Code of Virginia, as amended, as follows.

§ 45-2. Building inspection fees.

A. There is hereby imposed a building inspection fee as follows:

(1) Ordinary repairs and maintenance: no fee.

(2) Residential: a minimum of $50 or $0.04 per square foot of living area, both finished and unfinished, and $0.02 per square foot for basement, carport garages, etc.

(3) Mobile homes: all new and/or relocated mobile homes, a minimum of $50 or $0.04 per square foot of living area. **[Added 12-18-1979]**

(4) Modular homes: same as residential.

(5) Later addition: to residence buildings or erection of workshops, garages or outbuildings, excluding agriculture buildings, a minimum of $15 or $0.04 per square foot.

(6) Churches: a minimum of $50 or $0.04 per square foot of all floor space. **[Added 9-20-1977]**

(7) Commercial/industrial: a minimum of $75 or $0.03 per square foot (all floors to be counted).

(8) Later addition to commercial/industrial: a minimum of $25 or $0.05 per square foot (all floors to be counted). **[Added 9-20-1977]**

(9) Agricultural: Buildings that employ over 10 workers shall meet the same requirements as commercial buildings. An agricultural building shall be a building used in connection with agriculture products.

(10) Renovations: a minimum of $25 or $3 per $1,000 of costs.

(11) Demolition: permit required; no fee. **[Amended 12-18-1979]**

(12) Electrical: For inspection of electrical service, including new service and/or changes in service, etc., where only the electrical work needs inspection, $15. **[Added 9-20-1977]**

B. Where a person contributes the labor of himself and gives only the costs of the materials, then the cost of the labor shall be added equal to the costs of the materials for the total costs.

§ 45-3. Payment of building inspection fees.

Payment of building inspection fees are to be paid at the time of application for a building permit, payable to the Treasurer of Nottoway County, and all completed permits are to be forthwith delivered to the Commissioner of Revenue of Nottoway County.

§ 45-4. Building permit and inspection required; waiver. [Amended 9-20-1977[1]]

Everyone performing any construction, repairs, demolition or renovation or having anyone do any construction, repairs or renovation in the county for him shall obtain a building permit for the other work before any such construction or repairs are started. Any building may be inspected at any time before completion and shall not be deemed in compliance until approved by the inspecting authority. Where the construction cost is less than $1,000, the building inspection may, in the discretion of the inspecting authority, be waived. In order to obtain a building permit to conform with the State Uniform Building Code, as authorized by § 36-97 of the Code of Virginia, the following requirements must be met:

A. For one- and two-family dwellings and qualifying farm buildings:

(1) Submit to the Building Inspector a plot drawn to scale with an approved health permit.

(2) Submit a set of plans or blueprints drawn to scale. (List of material to be used is optional, at the discretion of the Building Official.)

(3) Provide Building Inspector with adequate credentials as cited in § 54.1-1111 of the Code of Virginia, where applicable.

(4) The contractor must call the Inspector for the following three inspections:

(a) Preconstruction footing and foundation.

(b) Completion of framing and Completion of electrical, mechanical and plumbing.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

(c) Final inspection: Upon completion of the building or structure, and before issuance of the certificate of occupancy, a final inspection shall be made and approved. All violations of the approved construction documents and permit shall be noted, and the holder of the permit shall be notified of the discrepancies.

B. All structures other than dwellings and farm buildings must have all of the above requirements, including a plan, approved by a certified architect or engineer registered in the State of Virginia. (Architect or engineer certification may be waived on small structures by the local Building Official, provided that the contractor states in writing that he will comply with the Uniform Building Code.) A standard fee of $75, plus $0.03, per square foot will be charged for the construction of all buildings that do not have certification by a registered architect or engineer.

§ 45-5. Right of appeal.

All persons shall have the right to appeal the Building Official's decision through a body appointed by the appropriate authority of the jurisdiction and qualified by experience and training to pass upon matters pertaining to building construction.

§ 45-6. Violations and penalties. [Amended 9-20-1977; 12-18-1979[2]]

It shall be unlawful for any person, firm or corporation whether as owner, lessee, sublessee or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one- and two-family dwelling or building in the jurisdiction, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any such violation shall be punishable as provided in § 36-106 of the Code of Virginia.

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2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2019

Director Young end her presentation by reminding the Board that her FY20 funding request was for a meager $13,000 even though they provide Nottoway County citizens over $180,000 of services.

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Presentation: Yvonne Wilson, District 3 candidate, introduced herself, provided a brief description of her background, and expressed her opinions on what the most important needs/issues are in/for the County.

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1. Asbestos Remediation, Commercial or Residential – current fee, none; proposed fee, $60.00 plus $6.00 per $1000 of cost
2. Demolition, Commercial or Residential – current fee, none; proposed fee, $60.00 plus $6.00 per $1000 of cost
3. Tents (over 600 square feet) – current fee, $60.00; proposed fee, $60.00 plus $6.00 per $1000 of cost
4. Mechanical, Electric, Gas, Plumbing and Generator – current fee, $60.00; proposed fee $60.00 plus $6.00 per $1000 of cost
5. Tank Installation or Removal – current fee, $60.00; proposed fee $60.00 plus $6.00 per $1000 of cost
6. Amusement Devices – current fee, $60.00; proposed fee, $60.00 administrative fee plus third party inspector fee to be paid by permit applicant

Chairman Bowen asks if there is anyone present wishing to comment, either for or against, the proposed Ordinance amendments; there is no wishing to comment. Supervisor Shekleton comments in favor of the proposed fees explaining they were appropriate and makes a motion to approve the Building Permit Fee Ordinance as presented. The motion carried as follows:

S.C. Vaughn	Yes
N.R. Shekleton	Yes
H. M. Simmons	Yes
G.L. Simmons	Yes
S. W. Bowen	Yes

(SEE PAGE THRU PAGE

FOR BUILDING PERMIT FEE

ORDINANCE AMENDMENT)

July 2008
Updated
2019

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 17th DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND EIGHT AND IN THE 233rd YEAR OF THE COMMONWEALTH:

PRESENT: SHERMAN C. VAUGHN, CHAIRMAN
CLARENCE A. SIMPSON, VICE-CHAIRMAN
JACK J. GREEN
STEVE BOWEN
GARY SIMMONS
RONALD E. ROARK, COUNTY ADMINISTRATOR

AMENDED ORDINANCE

By authority of Section 15.2-2280 *et.seq.* of the Code of Virginia (1950) as amended, the Nottoway County Code is hereby amended with respect to the following Chapter to wit:

Chapter 45 – BUILDING CONSTRUCTION

Section 45-2 Building Inspection Fees

A- There is hereby imposed a Building Inspection fee as follows:

1- Ordinary repairs and maintenance: NO FEE

2- Residential: A base fee of $125.00 plus $0.08 per sq. ft. of living area both finished and unfinished and $0.04 per sq. ft. for basements, carports, garages, porches, etc.

3- Multi-Family and Duplex: a base fee of $200.00 plus $0.08 per sq. ft. of all floors.

4- Later Addition (residential): includes the erection of carports, porches, decks, and garages. A base fee of $50.00 plus $0.08 per sq. ft.

5- Churches: a base fee of $100.00 plus $0.08 per sq. ft. of all floor space.

6- Commercial/Industrial: a base fee of $200 plus $0.08 per sq. ft. of all floor space.

7- Commercial/Industrial Addition: a base fee of $200 plus $0.08 per sq. ft. of all floor space.

8- Renovations: a base fee of $150 plus $6.00 per thousand of costs.

9- Electrical: for inspection of electrical service including new service and/or changes in service etc. where only the electrical work needs inspection; a fee of $50.00.

10- Mobile Homes, this includes single, double, and triple wide units: a base fee of $125.00 plus $0.08 per sq. ft. of living area and $0.04 per sq. ft. for porches, stoops, and decks.

11- Modular Homes: a base fee of $125.00 plus $0.08 per sq. ft. of living area and $0.04 per sq. ft. for basements, porches, stoops, and decks.

12- Tank removal or installation: a fee of $50.00

13- Amusement Devices: a fee of $50.00

14- Swimming pools (includes in ground and above ground): a base fee of $75.00 plus $0.06 per sq. ft.

15- Agricultural: buildings that employ more than 10 workers shall meet the same requirements as commercial buildings, an agricultural building shall be a building used in connection with agricultural products.

16- Demolition: permit required; no fee

B- Where a person contributes the labor of himself and gives only the costs of materials, then the costs of labor shall be added equal to the costs of materials for the total costs.

The effective date of this amendment is upon its passage, to-wit:

Passed by the Board of Supervisors of Nottoway County at a meeting and public hearing held on July 17, 2008 by a vote of 5 in favor to 0 opposed.

Sherman C. Vaughn

Sherman C. Vaughn, Chairman
Nottoway County Board of Supervisors

Ronald E Roark

Ronald E. Roark, Clerk
Nottoway County Board of Supervisors

Director Young end her presentation by reminding the Board that her FY20 funding request was for a meager $13,000 even though they provide Nottoway County citizens over $180,000 of services.

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S.C. Vaughn	Yes
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H. M. Simmons	Yes
G.L. Simmons	Yes
S. W. Bowen	Yes

(SEE PAGE THRU PAGE

FOR BUILDING PERMIT FEE

ORDINANCE AMENDMENT)

Delegation of Powers and Duties

Pursuant to section 104.5.1 of the Virginia Maintenance Code, the Code Official of Nottoway County hereby delegates his authority to the Town of Crewe. This authority is specifically delegated to the Crewe Town Manager and the Crewe Town Attorney. This delegation of authority is not plenary, and is limited to the following:

1. Sending the requisite notices, pursuant to section 105.4 and/or section 104.5.4 of the Virginia Maintenance Code;

2. Ordering the demolition of a structure, which has been determined by the Code Official to be beyond repair and unsafe for human occupancy;

3. Ordering that a structure be repaired to comply with the Virginia Maintenance Code and requiring that this be done within a certain time period; and

4. The Code official hereby delegates the authority to pursue any legal actions and enforcements under the Virginia Maintenance Code;

5. The Code official delegates the duty to send the results of any building inspection to the owner(s) or other interested parties;

6. The Code official delegates the duty to enter into agreements with the landowner or other interested parties regarding the enforcement of the building code and/or any legal action;

The Code official delegates any duty not specifically listed in this agreement but which is necessary to legally enforce the Virginia Maintenance Code.

The above Delegation of Powers and Duties shall become effective upon the execution of this document. All undersigned parties and officials do hereby agree that this delegation is not plenary, and may be revoked at any time by the Code Official in writing. This document may be amended in writing.

Al Ellington
Code Official

Wade Walker
Town Manager of Crewe

Tessie Bacon

Tessie Bacon
Town Attorney of Crewe

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 21st DAY OF JUNE IN THE YEAR OF OUR LORD TWO THOUSAND SEVEN AND IN THE 231st YEAR OF THE COMMONWEALTH:

PRESENT: JACK J. GREEN, CHAIRMAN
SHERMAN C. VAUGHN, VICE-CHAIRMAN
SIDNEY E. LOCKE
CLARENCE A. SIMPSON
JAMES W. KING
RONALD E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO REQUIRE RADON CONTROL IN ALL NEW CONSTRUCTION

BE IT ORDAINED, by the Board of Supervisors of Nottoway County, Virginia that any new construction under building permits issued subsequent to the date of adoption of this ordinance be subject to all requirements for radon control as set forth in appendix F of the 2003 International Residential Code, a copy of which is attached hereto and made a part hereof.

This ordinance is effective immediately upon its adoption.

Adopted this 21st day of June 2007 by a vote of 5 in favor and 0 opposed.

APPROVED:

Jack J. Green, Chairman

ATTEST:

Ronald E. Roark

Ronald E. Roark, Clerk

Mayo Gravatt

APPENDIX F

RADON CONTROL METHODS

F-1

SECTION AF101
SCOPE

AF101.1 General. This appendix contains requirements for new construction in jurisdictions where radon-resistant construction is required.

Inclusion of this appendix by jurisdictions shall be determined through the use of locally available data or determination of Zone 1 designation in Figure AF101.

SECTION AF102
DEFINITIONS

AF102.1 General. For the purpose of these requirements, the terms used shall be defined as follows:

SUB-SLAB DEPRESSURIZATION SYSTEM (Passive). A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe routed through the conditioned space of a building and connecting the sub-slab area with outdoor air, thereby relying on the convective flow of air upward in the vent to draw air from beneath the slab.

SUB-SLAB DEPRESSURIZATION SYSTEM (Active). A system designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the slab.

DRAIN TILE LOOP. A continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawl space footing.

RADON GAS. A naturally-occurring, chemically inert, radioactive gas that is not detectable by human senses. As a gas, it can move readily through particles of soil and rock and can accumulate in [illegible] where it can easily enter into the living space through construction cracks and openings.

SOIL-GAS-RETARDER. A continuous membrane of 6-mil (0.15 mm) polyethylene or other equivalent material used to retard the flow of soil gases into a building.

SUB-MEMBRANE DEPRESSURIZATION SYSTEM. A system designed to achieve lower-sub-membrane air pressure relative to crawl space air pressure by use of a vent drawing air from beneath the soil-gas-retarder membrane.

SECTION AF103
REQUIREMENTS

AF103.1 General. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure AF102). These techniques are required in areas where designated by the jurisdiction.

AF103.2 Subfloor preparation. A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub-slab depressurization system, if needed. The gas-permeable layer shall consist of one of the following:

1. A uniform layer of clean aggregate, a minimum of 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2-inch (51 mm) sieve and be retained by a $^1/_4$-inch (6.4 mm) sieve.
2. A uniform layer of sand (native or fill), a minimum of 4 inches (102 mm) thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
3. Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire sub-floor area.

AF103.3 Soil-gas-retarder. A minimum 6-mil (0.15 mm) [or 3-mil (0.075 mm) cross-laminated] polyethylene or equivalent flexible sheeting material shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting.

AF103.4 Entry routes. Potential radon entry routes shall be closed in accordance with Sections AF103.4.1 through AF103.4.10.

AF103.4.1 Floor openings. Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs or other floor assemblies shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.

AF103.4.2 Concrete joints. All control joints, isolation joints, construction joints and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.

AF103.4.3 Condensate drains. Condensate drains shall be trapped or routed through nonperforated pipe to daylight.

AF103.4.4 Sumps. Sump pits open to soil or serving as the termination point for sub-slab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sumps used as the suction point in a sub-slab depressurization system shall have a lid designed to accommodate the vent pipe. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.

AF103.4.5 Foundation walls. Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living

space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.

AF103.4.6 Dampproofing. The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be dampproofed in accordance with Section R406 of this code.

AF103.4.7 Air-handling units. Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit.

Exception: Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.

AF103.4.8 Ducts. Ductwork passing through or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork shall be sealed to prevent air leakage.

Ductwork located in crawl spaces shall have all seams and joints sealed by closure systems in accordance with Section M1601.3.1.

AF103.4.9 Crawl space floors. Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.

AF103.4.10 Crawl space access. Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.

AF103.5 Passive sub-membrane depressurization system. In buildings with crawl space foundations, the following components of a passive sub-membrane depressurization system shall be installed during construction.

Exception: Buildings in which an approved mechanical crawl space ventilation system or other equivalent system is installed.

AF103.5.1 Ventilation. Crawl spaces shall be provided with vents to the exterior of the building. The minimum net area of ventilation openings shall comply with Section R408.1 of this code.

AF103.5.2 Soil-gas-retarder. The soil in crawl spaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil-gas-retarder. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.

AF103.5.3 Vent pipe. A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch-diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

AF103.6 Passive sub-slab depressurization system. In basement or slab-on-grade buildings, the following components of a passive sub-slab depressurization system shall be installed during construction.

AF103.6.1 Vent pipe. A minimum 3-inch-diameter (76 mm) ABS, PVC or equivalent gas-tight pipe shall be embedded vertically into the sub-slab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the sub-slab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the sub-slab aggregate or connected to it through a drainage system.

The pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

AF103.6.2 Multiple vent pipes. In buildings where interior footings or other barriers separate the sub-slab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof.

AF103.7 Vent pipe drainage. All components of the radon vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder.

AF103.8 Vent pipe accessibility. Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.

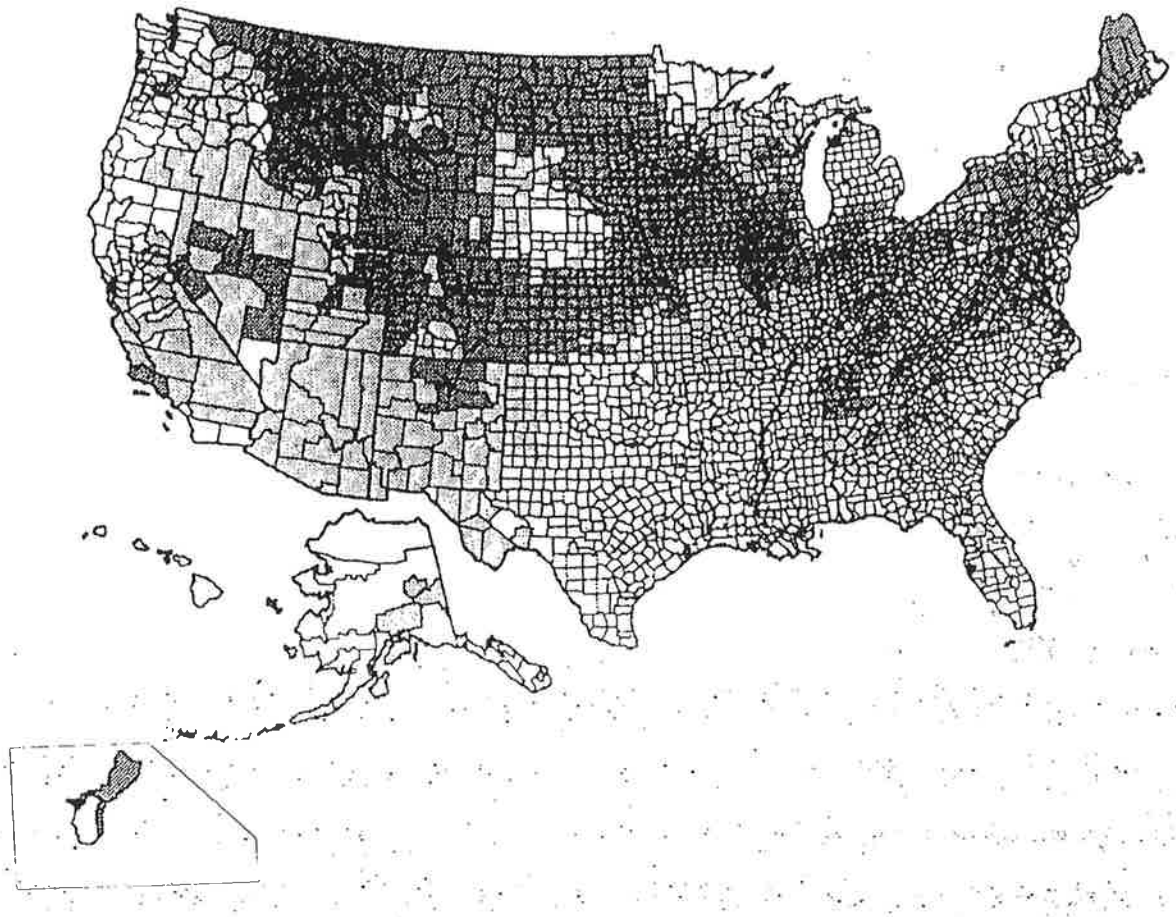
Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.

AF103.9 Vent pipe identification. All exposed and visible interior radon vent pipes shall be identified with at least one label on each floor and in accessible attics. The label shall read: "Radon Reduction System."

AF103.10 Combination foundations. Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipes installed in each type of foundation area. Each radon vent pipe shall terminate above the roof or shall be connected to a single vent that terminates above the roof.

AF103.11 Building depressurization. Joints in air ducts and plenums in unconditioned spaces shall meet the requirements of Section M1601. Thermal envelope air infiltration requirements shall comply with the energy conservation provisions in Chapter 11. Firestopping shall meet the requirements contained in Section R602.8.

AF103.12 Power source. To provide for future installation of an active sub-membrane or sub-slab depressurization system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall also be accessible in anticipated locations of system failure alarms.



LEGEND

ZONE 1 HIGH POTENTIAL (GREATER THAN 4 pCi/L[a])

ZONE 2 MODERATE POTENTIAL (FROM 2 TO 4 pCi/L)

ZONE 3 LOW POTENTIAL (LESS THAN 2 pCi/L)

a. pCi/L standard for picocuries per liter of radon gas. EPA recommends that all homes that measure 4 pCi/L and greater be mitigated.

The United States Environmental Protection Agency and the United States Geological Survey have evaluated the radon potential in the United States and hav veloped a map of radon zones designed to assist building building officials in deciding whether radon-resistant features are applicable in new constructio

The map assigns each of the 3,141 counties in the United States to one of three zones based on radon potential. Each zone designation reflects the av short-term radon measurement that can be expected to be measured in a building without the implementation of radon control methods. The radon zone des tion of highest priority is Zone 1. Table 1 of this appendix lists the Zone 1 counties illustrated on the map. More detailed information can be obtained state-specific booklets (EPA-402-R-93-021 through 070) available through State Radon Offices or from U.S. EPA Regional Offices.

FIGURE AF101
EPA MAP OF RADON ZONES

TABLE AF101(1)
HIGH RADON POTENTIAL (ZONE 1) COUNTIES[a]

ALABAMA
Calhoun
Clay
Cleburne
Colbert
Coosa
Franklin
Jackson
Lauderdale
Lawrence
Limestone
Madison
Morgan
Talladega

CALIFORNIA
Santa Barbara
Ventura

COLORADO
Adams
Arapahoe
Baca
Bent
Boulder
Chaffee
Cheyenne
Clear Creek
Crowley
Custer
Delta
Denver
Dolores
Douglas
El Paso
Elbert
Fremont
Garfield
Gilpin
Grand
Gunnison
Huerfano
Jackson
Jefferson
Kiowa
Kit Carson
Lake
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffat
Montezuma
Montrose
Morgan
Otero
Ouray
Park
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
San Miguel
Summit
Teller
Washington
Weld
Yuma

CONNECTICUT
Fairfield
Middlesex
New Haven
New London

GEORGIA
Cobb
De Kalb
Fulton
Gwinnett

IDAHO
Benewah
Blaine
Boise
Bonner
Boundary
Butte
Camas
Clark
Clearwater
Custer
Elmore
Fremont
Gooding
Idaho
Kootenai
Latah
Lemhi
Shoshone
Valley

ILLINOIS
Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Coles
De Kalb
De Witt
Douglas
Edgar
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jersey
Jo Daviess
Kane
Kendall
Knox
La Salle
Lee
Livingston
Logan
Macon
Marshall
Mason
McDonough
McLean
Menard
Mercer
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Putnam
Rock Island
Sangamon
Schuyler
Scott
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Winnebago
Woodford

INDIANA
Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clark
Clinton
De Kalb
Decatur
Delaware
Elkhart
Fayette
Fountain
Fulton
Grant
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jay
Jennings
Johnson
Kosciusko
Lagrange
Lawrence
Madison
Marion
Marshall
Miami
Monroe
Montgomery
Noble
Orange
Putnam
Randolph
Rush
Scott
Shelby
Steuben
St. Joseph
Tippecanoe
Tipton
Union
Vermillion
Wabash
Warren
Washington
Wayne
Wells
White
Whitley

IOWA
All Counties

KANSAS
Atchison
Barton
Brown
Cheyenne
Clay
Cloud
Decatur
Dickinson
Douglas
Ellis
Ellsworth
Finney
Ford
Geary
Gove
Graham
Grant
Gray
Greeley
Hamilton
Haskell
Hodgeman
Jackson
Jewell
Johnson
Kearny
Kingman
Kiowa
Lane
Leavenworth
Lincoln
Logan
Marion
Marshall
McPherson
Meade
Mitchell
Nemaha
Ness
Norton
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sheridan
Sherman
Smith
Stanton
Thomas
Trego
Wallace
Washington
Wichita
Wyandotte

KENTUCKY
Adair
Allen
Barren
Bourbon
Boyle
Bullitt
Casey
Clark
Cumberland
Fayette
Franklin
Green
Harrison
Hart
Jefferson
Jessamine
Lincoln
Marion
Mercer
Metcalfe
Monroe
Nelson
Pendleton
Pulaski
Robertson
Russell
Scott
Taylor
Warren
Woodford

MAINE
Androscoggin
Aroostook
Cumberland
Franklin
Hancock
Kennebec
Lincoln
Oxford
Penobscot
Piscataquis
Somerset
York

MARYLAND
Baltimore
Calvert
Carroll
Frederick
Harford
Howard
Montgomery
Washington

MASS
Essex
Middlesex
Worcester

MICHIGAN
Branch
Calhoun
Cass
Hillsdale
Jackson
Kalamazoo
Lenawee
St. Joseph
Washtenaw

MINNESOTA
Becker
Big Stone
Blue Earth
Brown
Carver
Chippewa
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Jackson
Kanabec
Kandiyohi
Kittson
Lac Qui Parle
Le Sueur
Lincoln
Lyon
Mahnomen
Marshall
Martin
McLeod
Meeker
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pennington
Pipestone
Polk
Pope
Ramsey
Red Lake
Redwood
Renville
Rice
Rock
Roseau
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washingt
Watonwa
Wilkin
Winona
Wright
Yellow Med

MISSOU
Andrew
Atchison
Buchana
Cass
Clay
Clinton
Holt
Iron
Jackson
Nodaway
Platte

MONTAN
Beaverhea
Big Horn
Blaine
Broadwat
Carbon
Carter
Cascade
Chouteau
Custer
Daniels
Dawson
Deer Lodg
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Granite
Hill
Jefferson
Judith Bas
Lake
Lewis and C
Liberty
Lincoln
Madison
McCone
Meagher
Mineral
Missoula
Park
Phillips
Pondera
Powder Riv
Powell
Prairie
Ravalli
Richland
Roosevelt
Rosebud
Sanders
Sheridan
Silver Bow
Stillwater
Teton
Toole
Valley
Wibaux

a. EPA recommends that this county listing be supplemented with other available State and local data to further understand the radon potential of Zone 1 area.

(continued)

TABLE AF101(1)—continued
HIGH RADON POTENTIAL (ZONE 1) COUNTIES[a]

Yellowstone National Park

NEBRASKA
Adams
Boone
Boyd
Burt
Butler
Cass
Cedar
Clay
Colfax
Cuming
Dakota
Dixon
Dodge
Douglas
Fillmore
Franklin
Frontier
Furnas
Gage
Gosper
Greeley
Hamilton
Harlan
Hayes
Hitchcock
Harston
Jefferson
Johnson
Kearney
Knox
Lancaster
Madison
Nance
Nuckolls
Otoe
Pawnee
Phelps
Pierce
Red Willow
Richardson
Saline
Sarpy
Saunders
Seward
Stanton
Thayer
Washington
Wayne
Webster
York

NEVADA
Carson City
Douglas
Eureka
Lander
Lincoln
Lyon
Mineral
Pershing
White Pine

NEW HAMPSHIRE
Carroll

NEW JERSEY
Hunterdon
Mercer
Monmouth
Morris
Somerset
Sussex
Warren

NEW MEXICO
Bernalillo
Colfax
Mora
Rio Arriba
San Miguel
Santa Fe
Taos

NEW YORK
Albany
Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Chenango
Columbia
Cortland
Delaware
Dutchess
Erie
Genesee
Greene
Livingston
Madison
Onondaga
Ontario
Orange
Otsego
Putnam
Rensselaer
Schoharie
Schuyler
Seneca
Steuben
Sullivan
Tioga
Tompkins
Ulster
Washington
Wyoming
Yates

N. CAROLINA
Alleghany
Buncombe
Cherokee
Henderson
Mitchell
Rockingham
Transylvania
Watauga

N. DAKOTA
All Counties

OHIO
Adams
Allen
Ashland
Auglaize
Belmont
Butler
Carroll
Champaign
Clark
Clinton
Columbiana
Coshocton
Crawford
Darke
Delaware
Fairfield
Fayette
Franklin
Greene
Guernsey
Hamilton
Hancock
Hardin
Harrison
Holmes
Huron
Jefferson
Knox
Licking
Logan
Madison
Marion
Mercer
Miami
Montgomery
Morrow
Muskingum
Perry
Pickaway
Pike
Preble
Richland
Ross
Seneca
Shelby
Stark
Summit
Tuscarawas
Union
Van Wert
Warren
Wayne
Wyandot

PENNSYLVANIA
Adams
Allegheny
Armstrong
Beaver
Bedford
Berks
Blair
Bradford
Bucks
Butler
Cameron
Carbon
Centre
Chester
Clarion
Clearfield
Clinton
Columbia
Cumberland
Dauphin
Delaware
Franklin
Fulton
Huntingdon
Indiana
Juniata
Lackawanna
Lancaster
Lebanon
Lehigh
Luzerne
Lycoming
Mifflin
Monroe
Montgomery
Montour
Northampton
Northumberland
Perry
Schuylkill
Snyder
Sullivan
Susquehanna
Tioga
Union
Venango
Westmoreland
Wyoming
York

RHODE ISLAND
Kent
Washington

S. CAROLINA
Greenville

S. DAKOTA
Aurora
Beadle
Bon Homme
Brookings
Brown
Brule
Buffalo
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Douglas
Edmunds
Faulk
Grant
Hamlin
Hand
Hanson
Hughes
Hutchinson
Hyde
Jerauld
Kingsbury
Lake
Lincoln
Lyman
Marshall
McCook
McPherson
Miner
Minnehaha
Moody
Perkins
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Turner
Union
Walworth
Yankton

TENNESEE
Anderson
Bedford
Blount
Bradley
Claiborne
Davidson
Giles
Grainger
Greene
Hamblen
Hancock
Hawkins
Hickman
Humphreys
Jackson
Jefferson
Knox
Lawrence
Lewis
Lincoln
Loudon
Marshall
Maury
McMinn
Meigs
Monroe
Moore
Perry
Roane
Rutherford
Smith
Sullivan
Trousdale
Union
Washington
Wayne
Williamson
Wilson

UTAH
Carbon
Duchesne
Grand
Piute
Sanpete
Sevier
Uintah

VIRGINIA
Alleghany
Amelia
Appomattox
Augusta
Bath
Bland
Botetourt
Bristol
Brunswick
Buckingham
Buena Vista
Campbell
Chesterfield
Clarke
Clifton Forge
Covington
Craig
Cumberland
Danville
Dinwiddie
Fairfax
Falls Church
Fluvanna
Frederick
Fredericksburg
Giles
Goochland
Harrisonburg
Henry
Highland
Lee
Lexington
Louisa
Martinsville
Montgomery
Nottoway
Orange
Page
Patrick
Pittsylvania
Powhatan
Pulaski
Radford
Roanoke
Rockbridge
Rockingham
Russell
Salem
Scott
Shenandoah
Smyth
Spotsylvania
Stafford
Staunton
Tazewell
Warren
Washington
Waynesboro
Winchester
Wythe

WASHINGTON
Clark
Ferry
Okanogan
Pend Oreille
Skamania
Spokane
Stevens

W. VIRGINIA
Berkeley
Brooke
Grant
Greenbrier
Hampshire
Hancock
Hardy
Jefferson
Marshall
Mercer
Mineral
Monongalia
Monroe
Morgan
Ohio
Pendleton
Pocahontas
Preston
Summers
Wetzel

WISCONSIN
Buffalo
Crawford
Dane
Dodge
Door
Fond du Lac
Grant
Green
Green Lake
Iowa
Jefferson
Lafayette
Langlade
Marathon
Menominee
Pepin
Pierce
Portage
Richland
Rock
Shawano
St. Croix
Vernon
Walworth
Waukesha
Waupaca
Wood

WYOMING
Albany
Big Horn
Campbell
Carbon
Converse
Crook
Fremont
Goshen
Hot Springs
Johnson
Laramie
Lincoln
Natrona
Niobrara
Park
Sheridan
Sublette
Sweetwater
Teton
Uinta
Washakie

a. EPA recommends that this county listing be supplemented with other available State and local data to further understand the radon potential of Zone 1 area.

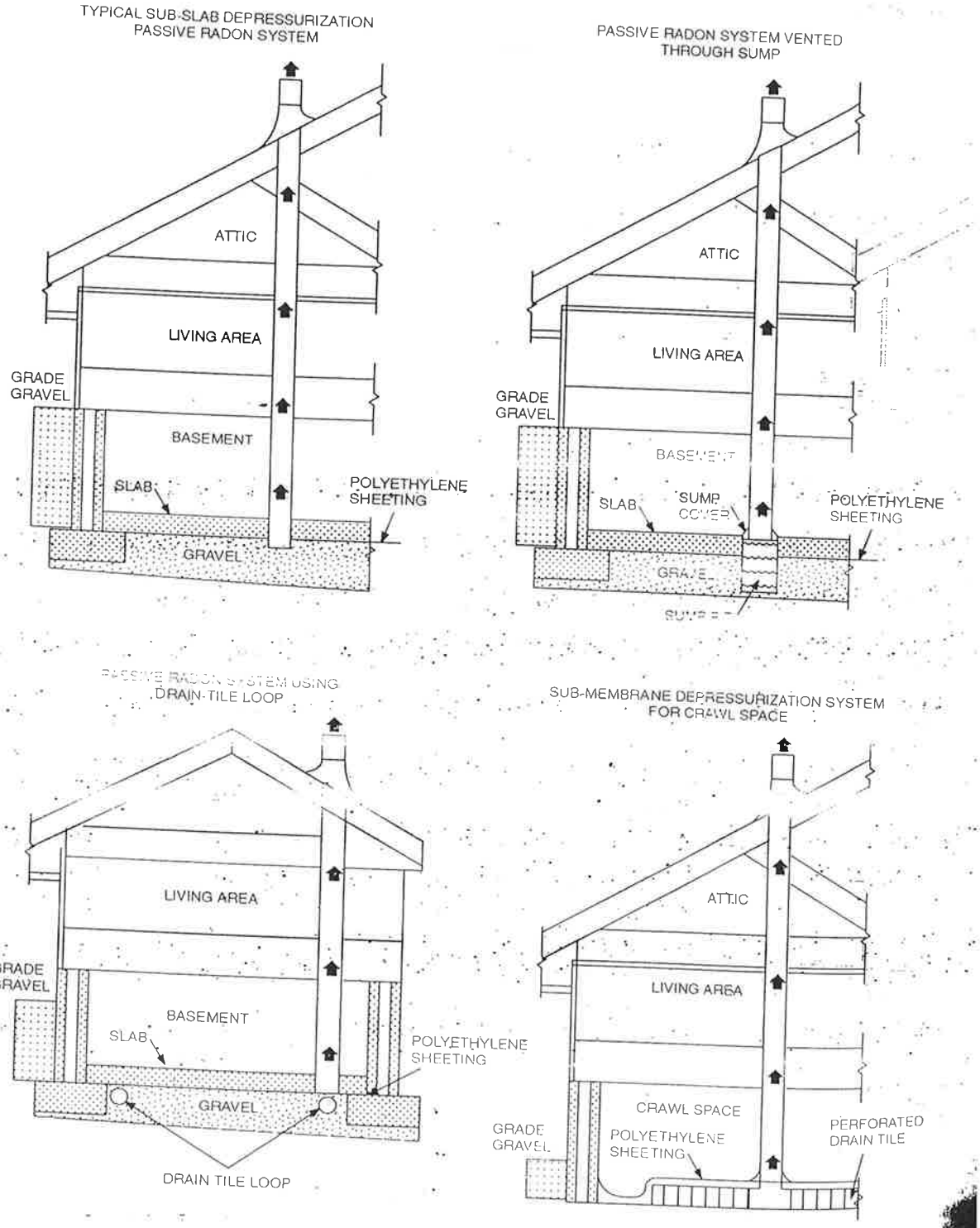


FIGURE AF102
RADON-RESISTANT CONSTRUCTION DETAILS FOR FOUR FOUNDATION TYPES

Chapter 49

BURNING, OPEN

§ 49-1. Burning permitted; conditions.
§ 49-2. Air pollution episode alert warning or emergency.
§ 49-3. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County 10-16-1973. Amendments noted where applicable.]

§ 49-1. Burning permitted; conditions.[1]

Pursuant to §§ 10.1-1321, 15.2-1426, 15.2-1427 and 15.2-1429 of the Code of Virginia, as amended, leaves and brush originating on the premises of private residences and land owners in Nottoway County, exclusive of the Towns of Blackstone, Burkeville and Crewe, may be burned on those premises, provided that:

A. Such burning is done between 9:00 a.m. and 5:00 p.m., and all embers are totally extinguished at the end of this period.

B. No material will be added to the fire between 3:00 p.m. and 9:00 a.m.

C. The location of burning is not less than 100 feet from any occupied building unless the occupant has given prior written permission.

D. To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fire be unattended.

§ 49-2. Air pollution episode alert warning or emergency.

All burning of leaves and brush permitted under this chapter shall not be commenced and shall be immediately terminated upon declaration of an alert warning or emergency stage of the Air Pollution Episode when proclaimed by either the Executive Director of the State Air Pollution Control Board or his designated representative.

§ 49-3. Violations and penalties.

Any person, including any landowner having knowledge of the acts of an agent or servant upon the landowner's premises, who violates any provision of this chapter, or who fails or refuses to comply with any lawful order of the State Air Pollution Control Board not inconsistent with the terms of this chapter, shall, upon conviction in any court of competent jurisdiction, including the General District Court of Nottoway County, Virginia, be liable to a fine of not more than $300 for each violation within the discretion of the court. Each day of continued violation after

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

conviction shall constitute a separate offense and may subject the person or activity in violation hereof to a suit for abatement as a nuisance.

Chapter 52

CAMPGROUNDS

§ 52-1. Definitions and word usage.
§ 52-2. Enforcement; right of entry for inspection.
§ 52-3. Permit required.
§ 52-4. Application for permit.
§ 52-5. Investigation of premises.
§ 52-6. Revocation or suspension of permit.
§ 52-7. Transferability; expiration of permit.
§ 52-8. Posting of permit.
§ 52-9. Applicability.
§ 52-10. Maintenance of equipment.
§ 52-11. Rules and regulations pertaining to sanitation and housing.
§ 52-12. Size of sites; access to public street.
§ 52-13. Drainage.
§ 52-14. Water supply.
§ 52-15. Dogs at large.
§ 52-16. Toilets.
§ 52-17. Garbage receptacles.
§ 52-18. Slop sinks.
§ 52-19. Waste from plumbing fixtures.
§ 52-20. Lighting.
§ 52-21. Equipment from adjacent property.
§ 52-22. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 3-4-1942. Amendments noted where applicable.]

GENERAL REFERENCES

Noise made by animals — See Ch. 82. Zoning — See Ch. 125.

§ 52-1. Definitions and word usage.

A. Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future.

B. For the purpose of this chapter, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth, unless it shall be apparent from their context that they have a different meaning:

CAMP AUTOMOBILE and/or TRAILER — Any unit used for living or sleeping purposes and which may be or is intended for transport from one place to another whether by motive power or other means.

CAMPSITES or CAMPGROUNDS — Any place, lot or tract of land upon which is located or is held out for the location of any camp automobile and/or trailer.

HEALTH DEPARTMENT — The Health Department or the Health Officer of Nottoway County.

§ 52-2. Enforcement; right of entry for inspection.

It shall be the duty of the Health Department to enforce all of the provisions of this chapter, and for the purpose of securing enforcement thereof, the Health Officer, or any of his duly authorized representatives, shall have the right and are hereby empowered to enter upon the premises of any campsite or campground now operating, or which may hereafter be operated, within the County of Nottoway to inspect the same and all accommodations connected therewith.

§ 52-3. Permit required.[1]

It shall be unlawful for any person, firm or corporation to operate or maintain, or to offer for public use, within the confines of the County of Nottoway, as hereinafter set forth, any campsite or campground without first applying for and receiving from the Health Department a permit so to do, in the manner hereinafter set forth and in compliance with any rules and regulations which may be formulated by the Health Department from time to time and the laws of the State of Virginia.

§ 52-4. Application for permit.

Each application for such permit shall be in writing upon a form provided by the Health Department for that purpose. It shall state the name and address of the applicant and a description of the property whereon or wherein it is proposed to conduct a campsite or campground. It also shall contain such other information as the Health Department may require, and it shall be filed by the applicant. It shall be filed with the Health Department not less than five days nor more than 30 days before said campsite or campground is made ready for use.

§ 52-5. Investigation of premises.

Upon the filing of such application, it shall be the duty of the Health Department or any of its duly authorized representatives to investigate the premises and determine whether said proposed campsite or campground selected therefor conforms with the regulations and requirements of this chapter, the rules and regulations of the Health Department and the laws of the State of Virginia, and no permit shall be issued unless such campground or the site selected therefor complies with such requirements.

§ 52-6. Revocation or suspension of permit.

Any permit granted hereunder shall be subject to revocation or suspension by the Health Department in the following manner:

A. A notice shall be served on the person holding said permit specifying wherein he has failed to comply with this chapter and requiring him to appear before the Health Department at a day and hour therein specified, not less than five days after the personal service of said

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

notice on such permit holder, requiring him to show cause at said time and place why said permit should not be revoked or suspended.

B. At the time and place mentioned in said notice, the person holding said permit shall have the right to appear in person or by counsel and to introduce such evidence as he may desire. The Health Department shall confront said permit holder with any charges that said Health Department may have against him.

C. After the hearing, the Health Department may, at its discretion, upon proof of violation of the requirements of this chapter or the laws of the State of Virginia, revoke or suspend the permit.

§ 52-7. Transferability; expiration of permit.

Such permit shall be transferable upon the written application of the holder of the permit to the Health Department and with its consent endorsed thereon. A permit may be granted at any time during the year and, unless previously revoked, shall expire on the first day of the year following the date of its issue.

§ 52-8. Posting of permit.

It shall be unlawful for any person, firm or corporation to establish, maintain, conduct or carry on any campsite or campground unless there shall be at all times posted in a conspicuous place at said campsite or campground the permit obtained from the Health Department in accordance with the provisions of this chapter.

§ 52-9. Applicability.

The provisions of this chapter shall be applicable to every campsite or campground within the County of Nottoway, and it shall be unlawful for any person, firm or corporation maintaining, operating, conducting or carrying on any such campsite or campground or for any person living or sleeping in any camp automobile and/or trailer located on a campsite or campground, or any other person, to violate or contribute in any way to the violation of any of the provisions of this chapter.

§ 52-10. Maintenance of equipment.

Every person owning or operating a campsite or campground shall maintain on such a campsite or campground any toilets, baths or other permanent equipment in connection therewith in a clean and sanitary condition and shall maintain said equipment in a state of good repair.

§ 52-11. Rules and regulations pertaining to sanitation and housing.

The Health Department is hereby empowered to formulate from time to time and to enforce any rules and regulations that said Department may deem advisable governing the operation of

campsites or campgrounds or camp automobiles and/or trailers bearing on any matters of sanitation or housing.

§ 52-12. Size of sites; access to public street.

Every campsite or campground hereafter established shall be laid off with, and all existing campsites or campgrounds shall provide, available unoccupied space of not less than 20 feet by 40 feet for each camp automobile and/or trailer, and such available unoccupied space shall not be construed to mean the space directly under any portion of any camp automobile and/or trailer. Camp automobiles and/or trailers shall be arranged in rows abutting or facing on a driveway or clear unoccupied space of not less than 25 feet in width, which space shall have unobstructed access to a public street or alley.

§ 52-13. Drainage.

Every campsite or campground hereafter established shall be located on a well-drained area, and the premises of every campsite or campground or any existing campsite or campground shall be properly graded so as to prevent the accumulation of storm or casual waters.

§ 52-14. Water supply.

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of said campsite or campground. Said water supply shall be obtained from faucets only, conveniently located in said campsite or campground, and no dipping vessels or common cups shall be permitted. The water supply shall be properly located, constructed and operated and shall be easily accessible and of a safe sanitary quality.

§ 52-15. Dogs at large.[2]

Dogs at no time shall be permitted to run at large in any campsite or campground unless muzzled.

§ 52-16. Toilets.

There shall be provided in every existing campsite or campground and every camp or campground which may hereafter be established one water closet for each sex, one of such water closets shall be distinctly marked for women and one of such water closets shall be distinctly marked for men. There shall be provided an additional water closet for each sex for every 10 or fractional part thereof in excess of 10 males or females living in said campsite or campground; provided, however, that the Health Department may exempt any campsite or campground existing at the time of the passage of this chapter from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of persons occupying said campsite or campground or to the proper sanitation of the

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2 **Editor's Note: See also Ch. 38, Animals, Art. IV, Dogs.**

premises. All flush toilets must be connected to an approved sewer system, or a properly constructed septic tank system shall be provided. Pit privies must be of a standard approved by the Health Department.

§ 52-17. Garbage receptacles.

There shall be provided in every campsite or campground heretofore or hereafter established such number of tight receptacles with close fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the Health Department. Such garbage receptacles shall at all time be maintained in a clean and sanitary condition.

§ 52-18. Slop sinks.

There shall be provided in every campsite or campground heretofore or hereafter established one or more slop sinks properly connected with a sewer or septic tank, such sinks to be conveniently located at no greater distance than 100 feet from any camp automobile and/or trailer.

§ 52-19. Waste from plumbing fixtures.

It shall be unlawful to permit any wastewater or material from sinks, baths, showers or other plumbing fixtures in camp automobiles and/or trailers to be deposited upon the surface of the campground. All such fixtures when in use must be connected to the city sewer system, or the drainage therefrom must be disposed of in a manner satisfactory to the Health Department.

§ 52-20. Lighting.

Every campsite or campground heretofore or hereafter established shall be provided with means of lighting the same at night, and all facilities which shall be kept lighted during the time from ½ hour after sunset until ½ hour before sunrise.

§ 52-21. Equipment from adjacent property.

Any water faucet, toilets, garbage receptacles or other equipment required by the provisions of this chapter in campgrounds or campsites which may hereafter be required by any rules and regulations of the Health Department pertaining to campsites or campgrounds shall not be construed to mean faucets, toilets, garbage receptacles or other equipment now or hereafter located in or adjacent to campsites or campgrounds which may already be required under provisions of other laws or ordinances.

§ 52-22. Violations and penalties.

A. It shall be the duty of every person, firm or corporation owning, leasing, renting or operating a campsite or campground in Nottoway County to comply with all of the provisions of this chapter and/or the rules and regulations formulated by the Health

Department governing campsites or campgrounds, and any such person, firm or corporation violating any of the provisions of this chapter or said rules and regulations or contributing in any way to the violation thereof shall be deemed guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished accordingly.[3]

B. Every person, firm or corporation violating or contributing in any way to the violation of any provisions of this chapter shall be deemed guilty of a separate offense for each day during which such violating continues and shall be punishable therefor as herein provided.

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3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 65

FIREWORKS

§ 65-1. Pyrotechnics prohibited; exception.
§ 65-2. Definitions.
§ 65-3. Issuance of permit by Clerk.
§ 65-4. Exemption for photographic supplies.
§ 65-5. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County 4-27-1947. Amendments noted where applicable.]

§ 65-1. Pyrotechnics prohibited; exception.

No person, firm or corporation shall have, keep, store, use, manufacture, sell or handle within the County of Nottoway, Virginia any pyrotechnics; provided, however, that nothing in this chapter shall be held to apply to the possession or use of signaling device for current daily consumption by railroads and others requiring them.

§ 65-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

> PYROTECHNICS — Any sparkler, squib, rocket, fire cracker, Roman candle, fire balloon, signal lights, railroad track torpedo, flashlight composition, fireworks or other devices or composition used to obtain visible or audible pyrotechnic display.

§ 65-3. Issuance of permit by Clerk.

The Clerk may, upon due application, issue a permit to properly qualified persons for giving a pyrotechnic display of fireworks in public parks or other open places within the county. Such permits shall impose such restrictions as in the opinion of the Clerk may be necessary to properly safeguard life and property in each case.

§ 65-4. Exemption for photographic supplies.

Nothing in this chapter shall be held to apply to the possession, sale or use of normal stock of flashlight composition by photographers or dealers in photographic supplies.

§ 65-5. Violations and penalties.

Any person violating any of the provisions of this chapter shall be fined not less than $10 and not more than $50 for each offense.

Chapter 72

HAZARDOUS MATERIALS

ARTICLE I
Storage of Radioactive Materials

§ 72-1. Use of county land for disposal prohibited.

§ 72-2. Exceptions.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Storage of Radioactive Materials
[Adopted 7-15-1980]

§ 72-1. Use of county land for disposal prohibited.

No lot, parcel or tract of land lying within the County of Nottoway shall at any time be used as a permanent or temporary storage or disposal site for radioactive material, by-product material, source material or special nuclear material, as the same are defined by § 32.1-227 of the Code of Virginia, as amended.

§ 72-2. Exceptions.

This chapter shall not apply to radiation used for diagnostic or therapeutic purposes by or under the direction of a licensed practitioner of the healing arts, nor shall it apply to radiation used for duly licensed scientific research purposes.

Chapter 82

NOISE

§ 82-1. Unnecessary noise prohibited.
§ 82-2. Enumeration.
§ 82-3. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 7-20-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Habitual barking or howling by dogs — See Ch. 38, § 38-20.

§ 82-1. Unnecessary noise prohibited.

It shall be unlawful for any person to create any unreasonably loud, disturbing or unnecessary noise in the county. Any noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

§ 82-2. Enumeration.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises prohibited by this chapter, but such enumeration shall not be deemed to be exclusive:

A. The playing of any radio, phonograph, television receiver or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

B. The keeping of any animal or bird which, by causing frequent or long continued noise, disturbs the comfort and repose of any person in the vicinity to such an extent as to constitute a nuisance.

§ 82-3. Violations and penalties.

A violation of this chapter shall constitute a Class 1 misdemeanor.

Chapter 89

PRECIOUS METALS AND GEMS

§ 89-1. Definitions.
§ 89-2. License required.
§ 89-3. License specifications; fees.
§ 89-4. Nontransferability; display of license.
§ 89-5. False statements on applications.
§ 89-6. Identification of sellers; records.
§ 89-7. Minors.
§ 89-8. Itinerant dealer surety.
§ 89-9. Maintenance of actions against licensee by person aggrieved.
§ 89-10. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway 1-20-1981. Amendments noted where applicable.]

§ 89-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEALER — A person, firm or corporation who or which shall engage in any business in this county for the purchase of gold, silver, platinum, gems or semiprecious stones.

ITINERANT DEALER — A person, firm or corporation who or which shall engage in any temporary or transient business in this county for the purchase of gold, silver, platinum, gems or semiprecious stones.

§ 89-2. License required.

No dealer may purchase, gold, silver, platinum, gems or semiprecious stones without a license as provided herein.

§ 89-3. License specifications; fees.

Licenses shall be issued by the County Administrator to any person able to produce satisfactory evidence of good character, which license shall designate the premises on which the licensee shall conduct his business and specify the date or dates upon which the business may be conducted if the licensee is an itinerant dealer. A fee of $5 per day may be charged for itinerant dealers. A fee of $25 per year may be charged all other dealers.

§ 89-4. Nontransferability; display of license.

The license issued hereunder shall be a personal privilege and shall not be transferable, nor shall there be any abatement of the tax upon such license by reason of the fact that the licensee shall have exercised the privilege for any period of less than for which it was granted. The license shall at all times be kept publicly exposed by the licensee on his business premises.

§ 89-5. False statements on applications.

Any false statement made on the application form voids the license ab initio.

§ 89-6. Identification of sellers; records.

Licensees shall ascertain the name, address and age of sellers by requiring an identifier issued by a governmental agency with a picture of the subject and one other corroborating means of identification. Licensees shall record the items purchased, the price paid and the seller's identity. Such records shall be delivered to the sheriff on the day of purchase.

§ 89-7. Minors.

No purchases may be made from anyone under age 18.

§ 89-8. Itinerant dealer surety.

Every person licensed as an itinerant dealer shall at the time of license and before the same shall be operative enter with either one corporate or two personal sufficient sureties into a joint and several recognizance to the County of Nottoway in the penal sum of $5,000 conditioned upon due observance of the terms of this chapter.

§ 89-9. Maintenance of actions against licensee by person aggrieved.

If any person shall be aggrieved by the misconduct of any such licensee and shall recover against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution upon such judgment, maintain actions in his own name upon the bond.

§ 89-10. Violations and penalties.

Violation of the terms of this chapter shall be a misdemeanor.

Chapter 94

SEWAGE DISPOSAL

ARTICLE I
Septic Tanks

§ 94-1. Coordination with issuance of building permits.

§ 94-2. Fee.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Septic Tanks
[Adopted 8-19-1975]

§ 94-1. Coordination with issuance of building permits.

The issuance of septic tank permits, which is the responsibility of the Nottoway County Health Department, shall be coordinated with the County Building Department in the issuance of building permits.

§ 94-2. Fee.

A fee of $25 be charged for each septic tank permit, such fee to be paid to the Treasurer of Nottoway County upon application for such permit.

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 16th DAY OF MARCH IN THE YEAR OF OUR LORD TWO THOUSAND SEVENTEEN AND IN THE 241st YEAR OF THE COMMONWEALTH:

PRESENT: HELEN SIMMONS, CHAIRMAN
SHERMAN VAUGHN, VICE-CHAIRMAN
CLARENCE SIMPSON
STEVE BOWEN
GARY SIMMONS
RONALD E. ROARK, CLERK

AN ORDINANCE ADOPTING SECTION 506 OF THE 2009 VIRGINIA STATEWIDE FIRE PREVENTION CODE

Be it ordained as follows, the County of Nottoway hereby adopts the following provision of the 2009 Virginia Statewide Fire Prevention Code. This ordinance shall apply to newly constructed commercial buildings or structures, newly constructed industrial buildings or structures and to newly constructed multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units. This ordinance shall also apply to an existing building or structure that is repurposed to a commercial building or structure, industrial building or structure or to a multifamily residential structure that has restricted access through locked doors and has a common corridor for access to the living units.

The term "commercial," for purposes of this ordinance, shall include apartment buildings.

This ordinance does not apply to single-family dwellings or to two-family dwellings.

"New construction" is defined as any construction for which a building permit is required to be issued on or after the effective date of this ordinance.

Where Required: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a Knox Box be installed in an approved location not to exceed 3 to 5 feet off the ground. The Knox Box shall be of an approved type listed in accordance with UL 1037. The Knox Box shall be installed prior to the issuance of permit of occupancy.

Exception: Existing key boxes are not required to be listed in accordance with UL 1037 unless replaced.

Other Requirements:

1. Locks. An approved Knox lock shall be installed on gates, sprinkler system post- indicator valves, or similar barriers when required by the fire code official.
2. Knox Box Contents: All Knox Boxes shall contain labeled keys, easily identified in the field to provide access into the property and/or building, and to any locked areas within the said building as the fire code official may direct.
3. Key box maintenance. The operator of the building shall immediately notify the fire code official if the location of the key box changes. The operator of the building is responsible for the maintenance of the key box to ensure it functions properly.
4. Knox Box Required for Multi Family Residential Structures- All multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units shall have installed a Knox Box, of a UL type and size as approved by the fire code official.
5. Standardized fire service elevator keys. All buildings with elevators equipped with Phase I emergency recall or Phase II emergency in-car operation, or buildings equipped with fire service access or occupant evacuation elevators shall be equipped to operate with a standardized fire service key approved by the fire code official.

Exception: While providing a standardized key is not possible due to the existing nonstandard elevator equipment, the owner shall be permitted to place the building's non-standardized fire service elevator keys in a key box installed in accordance with Section 506.1.

a. Requirements for standardized fire service keys. Standardized fire service elevator keys shall comply with all of the following:

    1. All fire service elevator keys within the jurisdiction shall be uniform and specific for the jurisdiction. Keys shall be cut to a uniform key code.
    2. Fire service elevator keys shall be a patent-protected design to prevent unauthorized duplication.
    3. Fire service elevator keys subject to these rules shall be engraved with the words "DO NOT DUPLICATE."

b. Access to standardized fire service keys. Access to standardized fire service elevator keys shall be restricted to the following persons or groups:

    1. Elevator owners or their authorized agents.
    2. Elevator contractors.
    3. Elevator inspectors of the jurisdiction.
    4. Fire and building code officials of the jurisdiction.
    5. The fire department and other emergency response agencies designated by the fire code official and the code official responsible for the enforcement of Part III, Maintenance, of the Uniform State Building Code.

c. Duplication or distribution of keys. No person may duplicate a standardized fire service elevator key or issue, give or sell a duplicated key unless in accordance with this code.

d. Responsibility to provide keys. The building or structure owner shall provide up to three standardized fire service elevator keys, if required by the fire code official, upon installation of a standardized fire service key switch or switches in the building.

Penalties. Any person who violates, neglects or refuses to comply with any provision of this chapter shall be found guilty of a Class 3 Misdemeanor.

This provision shall be enforced by the Nottoway County Building Code Official.

This ordinance shall be effective as of the 16 day of March 2017

County of Nottoway, Virginia

By Helen M. Simmons
Chairman – Board of Supervisors

Attest:
Ronald E Board
Clerk

Chapter 99

SOIL EROSION AND SEDIMENT CONTROL

§ 99-1. Title; purpose.
§ 99-2. Statutory authority.
§ 99-3. Definitions.
§ 99-4. Local erosion and sediment control program.
§ 99-5. Regulated land-disturbing activities; submission and approval of plans.
§ 99-6. Land-disturbing permits; fees; bonding.
§ 99-7. Monitoring, reports and inspections.
§ 99-8. Penalties, injunctions and other legal actions.
§ 99-9. Appeals and judicial review.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County 11-19-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 106. Zoning — See Ch. 125.

§ 99-1. Title; purpose.

A. This chapter shall be known as the "Erosion and Sediment Control Ordinance of Nottoway County, Virginia."

B. The purpose of this chapter is to conserve the land, water, air and other natural resources of the County of Nottoway by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.

§ 99-2. Statutory authority.

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

§ 99-3. Definitions.

As used in this chapter, unless the context requires a different meaning, the following terms shall have the meanings indicated:

ADMINISTRATOR — The person in charge of the Nottoway County erosion and sediment control program. This person shall be the County Administrator.

APPLICANT — Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

BOARD — The Virginia Soil and Water Conservation Board.

CLEARING — Any activity which removes the vegetative ground cover, including but not limited to root mat removal or topsoil removal.

CONSERVATION PLAN, EROSION AND SEDIMENT CONTROL PLAN or PLAN — A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

COUNTY — The County of Nottoway, Virginia.

DENUDED — A term applied to land that has been physically disturbed and no longer supports vegetative cover.

DEVELOPMENT — A tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

DISTRICT or SOIL AND WATER CONSERVATION DISTRICT — A political subdivision of the commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

DORMANT — Refers to denuded land that is not actively being brought to a desired grade or condition.

EROSION IMPACT AREA — An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of one acre or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

EXCAVATING — Any digging, scooping or other methods of removing earth materials.

FILLING — Any depositing or stockpiling of earth materials.

GRADING — Any excavating of or filling with earth material or any combination thereof, including the land in its excavated or filled conditions.

LAND-DISTURBING ACTIVITY — Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the state, including but not limited to clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

A. Minor land-disturbing activities, such as home gardens and individual home landscaping, repairs and maintenance work.

B. Individual service connections.

C. Installation, maintenance or repairs of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided that such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

D. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

E. Surface or deep mining.

F. Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas.

G. Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of § 10.1-1100 et seq. or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of the Code of Virginia.[1]

H. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act (§ 10.1-604 et seq.), ditches, strip cropping, lister farrowing, contour cultivating, contour furrowing, land drainage and land irrigation.[2]

I. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.

J. Preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development.

K. Disturbed land areas for commercial or noncommercial uses of less than 10,000 square feet.

L. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles.

M. Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers.

N. Emergency work to protect life, limb or property, and emergency repairs, provided that, if the land-disturbing activity would have required an approved erosion and

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Piedmont Soil and Water Conservation District.

LAND DISTURBING PERMIT — A permit issued by Nottoway County for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

LOCAL EROSION AND SEDIMENT CONTROL PROGRAM or LOCAL CONTROL PROGRAM — An outline or explanation of the various elements or methods employed by Nottoway County to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

OWNER — The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

PERMITTEE — The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

PERSON — Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body or any other legal entity.

PLAN APPROVING AUTHORITY — The Piedmont Soil and Water Conservation District responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of land and for approving plans.

POST-DEVELOPMENT — Refers to conditions that may be reasonable, expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

PRE-DEVELOPMENT — Refers to conditions at the time the erosion and sediment control plan is submitted to the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

SINGLE-FAMILY RESIDENCE SEPARATELY BUILT — A noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

STABILIZED — An area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

STATE EROSION AND SEDIMENT CONTROL PROGRAM or STATE PROGRAM — The program administered by the Virginia Soil and Water Conservation Board pursuant to the State Code, including regulations designed to minimize erosion and sedimentation.

STATE WATERS — All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

SUBDIVISION — The division of a parcel of land into three or more lots or parcels of less than 20 acres each for the purpose of transfer of ownership or building development or if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

TOWN — An incorporated town.

TRANSPORTING — Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

§ 99-4. Local erosion and sediment control program.

A. The County of Nottoway, Virginia, hereby adopts the regulations promulgated by the Virginia Soil and Water Conservation Board pursuant to § 10.1-562 of the Code of Virginia for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. The Virginia Erosion and Sediment Control Regulations and the Virginia Erosion and Sediment Control Handbook, as amended periodically, are adopted as the standards, reference and guidelines for the local program. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.

B. The County of Nottoway, Virginia, designates the Piedmont Soil and Water Conservation District as the plan approving authority.

C. The program and regulations provided for in this chapter shall be made available for public inspection at the office of the County Administrator.

§ 99-5. Regulated land-disturbing activities; submission and approval of plans.

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

B. The plan approving authority shall, within 45 days, approve any such plan, if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter.

C. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for the disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

D. An approved plan may be changed by the plan approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan.

E. In order to prevent further erosion, the County of Nottoway may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

F. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of an erosion and sediment control plan shall be the responsibility of the owner.

§ 99-6. Land-disturbing permits; fees; bonding.

A. No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.

B. A plan review and inspection fee of $50 shall be paid to Nottoway County, Virginia, at the time of filing erosion and sediment control plans.

C. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.

D. All applicants for permits shall provide to the County of Nottoway, Virginia, a performance bond, cash escrow or an irrevocable letter of credit acceptable to the Administrator, to ensure that measures could be taken by the County of Nottoway at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity. Should it be necessary for the County of Nottoway to take such conservation action, the County of Nottoway may collect from the applicant any costs in excess of the amount of the surety held. Within 60 days of the achievement of adequate

stabilization, as determined by the Administrator, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.[3]

§ 99-7. Monitoring, reports and inspections.

A. The Nottoway County Building Inspector shall provide for and/or conduct periodic inspections of the land-disturbing activity and may require monitoring and reports from the person responsible for carrying out the plan to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given an opportunity to accompany the Inspector. If the Building Inspector determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked, and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.

B. Upon determination of substantial violation of this chapter, the Building Inspector may, either in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Nottoway County, Virginia. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Building Inspector from taking any other action authorized by this chapter.

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[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 99-8. Penalties, injunctions and other legal actions.

A. Violators of this chapter shall be deemed guilty of a Class 1 misdemeanor pursuant to § 10.1-569 of the Code of Virginia.[4]

B. The Nottoway County Building Inspector may apply to the Circuit Court of Nottoway County, Virginia, to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.

C. In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County of Nottoway in a civil action for damages.

D. Without limiting the remedies which maybe obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation.

E. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the County of Nottoway may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection D of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection D.

F. The commonwealth's Attorney shall, upon request of the County of Nottoway, Virginia, take legal action to enforce the provisions of this chapter.

G. Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

§ 99-9. Appeals and judicial review.

A. Any applicant under the provision of this chapter who is aggrieved by any action of the County of Nottoway or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for and receive a review of such action by the Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of the County of Nottoway. Any applicant may seek an appeal hearing before the Board of Supervisors, provided that the Board of Supervisors and other involved parties have at least 30 days' prior notice.

B. Final decisions of the County of Nottoway under this chapter shall be subject to review by the Nottoway County Circuit Court, provided that an appeal is filed within 30 days from

[4] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRG A, HELD AT THE COURTHOUSE EREOF, ON THURSDAY, THE 17th DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND EIGHT AND IN THE 233rd YEAR OF THE COMMONWEALTH:

PRESENT: SHERMAN C. VAUGHN, CHAIRMAN
CLARENCE A. SIMPSON, VICE-CHAIRMAN
JACK J. GREEN
STEVE BOWEN
GARY SIMMONS
RONALD E. ROARK, COUNTY ADMINISTRATOR

AMENDED EROSION AND SEDIMENT CONTROL ORDINANCE

Section 10-1. TITLE, PURPOSE, AND AUTHORITY

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Nottoway County, Virginia. The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the County of Nottoway by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

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

Section 10-2. DEFINITIONS: As used in the ordinance, unless the context requires a different meaning:

A. **"Agreement in lieu of a plan"** means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

B. **"Applicant"** means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

C. **"Board"** means the Virginia Soil and Water Conservation Board.

D. **"Certified inspector"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

E. **"Certified plan reviewer"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

F. **"Certified program administrator"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

G. **"Clearing"** means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

H. **"County"** means the County of Nottoway, Virginia.

I. **"Department"** means the Department of Conservation and Recreation.

J. **"Development"** means a tract of land developed or to be developed as a single unit under sing ownership or unified control which is t e used for any business or industrial purpose or is to contain three or more residential dwelling units.

K. **"Director"** means the Director of the Department of Conservation and Recreation.

L. **"Erosion and Sediment Control Plan"** or **"Plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

M. **"Erosion Impact Area"** means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 5,000 square feet or less used for residential purposes.

N. **"Excavating"** means any digging, scooping or other methods of removing earth materials.

O. **"Filling"** means any depositing or stockpiling of earth materials.

P. **"Grading"** means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Q. **"Land-disturbing Activity"** means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

(1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street, or sidewalk which is hard-surfaced;

(4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Surface or deep mining;

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

(7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec.10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1-1163;

(8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(9) Disturbed land areas of less than 5,000 square feet in size;

(10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(11) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

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

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

T. **"Natural channel design concepts"** means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

U. **"Owner"** means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

V. **"Peak flow rate"** means the maximum instantaneous flow from a given storm condition at a particular location.

W. **"Permittee"** means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

X. **"Person"** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Y. **"Plan-approving authority"** means the Erosion and Sediment Control Specialist is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Z. **"Program authority"** means the County of Nottoway or Agent which has adopted a soil erosion and sediment control program that has been approved by the Board.

AA. **"Responsible Land Disturber"** means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

BB. **"Runoff volume"** means the volume of water that runs off the land development project from a prescribed storm event.

CC. **"Single-family residence"** means a noncommercial dwelling that is occupied exclusively by one family.

DD. **"State erosion and sediment Control program"** or **"state program"** means the program a inistered by the Virginia Soil and Wat Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

EE. **"State waters"** means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

FF. **"Transporting"** means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

GG. **"Water Quality Volume"** means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

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

A. Pursuant to section 10.1-562 of the Code of Virginia, the County of Nottoway hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

B. Before adopting or revising regulations, the County of Nottoway shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County of Nottoway is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County of Nottoway proposes or revises regulations that are more stringent than the state program.

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

C. Pursuant to Sec. 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Nottoway County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

D. The County of Nottoway hereby designates the Erosion & Sediment Control Specialist as the Program Administrator. The program administrator may serve as inspector and plan reviewer upon obtaining certification as a combined administrator.

E. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Erosion & Sediment Control Specialist, 344 W. Courthouse Road, Nottoway, VA 23955.

Section 10-4. **SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS**

A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Erosion & Sediment Control Specialist an erosion and sediment control plan for the land disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the

jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

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

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

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

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

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

E. An approved plan may be changed by the plan-approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

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

F. Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

G. In order to prevent further erosion, the County of Nottoway may require approval of a plan for any land identified in the local program as an erosion impact area.

H. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

I. In accordance with the procedure set forth by § 10.1-563 (E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

J. State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Sec. 10.1-564.

Section 10-5. **PERMITS; FEES; SECURITY FOR PERFORMANCE**

A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

B. No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.

C. 1) An Administrative fee of $300.00 plus $15.00 per acre or portion thereof shall be paid to Nottoway County at the time of submission of the Erosion & Sediment Plan.

2) An Administrative fee of $75.00 for all "agreements in lieu of" an erosion and sediment control plan for single family residence shall be paid to Nottoway County at the time of submission of an application for a building permit.

D. No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

E. The Program Administrator, prior to issuing a permit, may require any applicant to submit a reasonable performance bond with surety, cash escrow, an irrevocable letter of credit, or any combination thereof, or such other legal arrangements acceptable to the Program Administrator to ensure that measures could be taken by the County at the applicant's expense should he or she fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required by the approved plan as a result of the land disturbing activity. If the County takes such conservation action upon failure by the permittee, the County may collect from the permittee for the difference should the amount of reasonable cost of such action exceed the amount of security held. Within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity, the bond, cash escrow, irrevocable letter of credit or other legal arrangement or the unexpected or unobligated portion thereof shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for permits.

Section 10-6. **M(ITORING, REPORTS, AND INSPE IONS**

A. The County of Nottoway may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The Erosion & Sediment Control Specialist shall periodically inspect the land-disturbing activity in accordance with Sec. 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

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

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

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

A. Violators of this ordinance shall be guilty of a Class I misdemeanor.

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

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

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

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

D. In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to Nottoway County in a civil action for damages.

E. Without limiting the remedies which may be obtained in this section, any person failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000 for each violation. A civil action for such violation or failure may be brought by the County of Nottoway.

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

F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, the County of Nottoway may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in the Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection E.

G. The Commonwealth's Attorney shall, upon request of the County of Nottoway or the permit issuing authority, take legal action to enforce the provisions of this ordinance.

H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

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

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the County of Nottoway or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisors' decision shall be final, subject only to review by the Circuit Court of Nottoway County.

B. Final decisions of the County of Nottoway under this ordinance shall be subject to review by the Nottoway County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Adopted this 17th day of July 2008 by a vote of 5 For and 0 opposed.

Sherman C. Vaughn, Chairman
Nottoway County Board of Supervisors

Ronald E. Roark, Clerk
Nottoway County Board of Supervisors

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 16th DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND SIX AND IN THE 231st YEAR OF THE COMMONWEALTH:

PRESENT: SIDNEY E. LOCKE, CHAIRMAN
JACK J. GREEN, VICE-CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
JAMES W. KING
RONALD E. ROARK, COUNTY ADMINISTRATOR

County of Nottoway Alternative Inspection Program
Erosion and Sediment Control

PURPOSE:

The alternative inspection program described herein for Nottoway County is designed to Provide for oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

AUTHORIZATION:

§10.1 of Title 10.1 Chapter 5, Article 4 of the Code of Virginia and §4VAC50-30-60 of the Erosion and Sediment Control Regulations.

POLICY:

To most effectively utilize local staff and protect the resources of the County of Nottoway and the Commonwealth, the County of Nottoway will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

INPLEMENTATION:

1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography, soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.

2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.

3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. Theses classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.

4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.

5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

BASIS FOR CLASSIFICATION:

The following classifications shall be assigned to projects based on a preliminary site visit and plan review:

CLASS 1 Total acres disturbed under two acres; greater than 150 foot buffer between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and greater than or equal to 300 feet; weighted soil K-factor is less than .23.

CLASS 2 Total acres disturbed under two acres; disturbed area is 50 feet to 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and greater than or equal to 150 feet; weighted soil K-factor is between .23 and .36.

CLASS 3 Total acres disturbed over two acres; disturbed area is less than 50 feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and greater than or equal to 75 feet; weighted soil K-factor is greater than .36.

FREQUENCY OF INSPECTIONS:

1. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

   CLASS 1 At the beginning and completion of the project and every eight weeks.

   CLASS 2 At the beginning and completion of the project and at least every five weeks.

   CLASS 3 At the beginning and completion of the project and at least every two weeks.

2. All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.

3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

Adopted this 16th day of November 2006.

Sidney E. Locke

Sidney E. Locke, Chairman
Nottoway County Board of Supervisors

Ronald E. Roark

Ronald E. Roark, Clerk
Nottoway County Board of Supervisors

Chapter 102

SOLID WASTE

ARTICLE I
Use of County Refuse Containers

§ 102-1. Residential refuse only permitted.
§ 102-2. Definitions.
§ 102-3. Violations and penalties.

ARTICLE II
Garbage and Refuse

§ 102-4. Definitions.
§ 102-5. Litter receptacles; storage of waste.
§ 102-6. Out-of-county waste.
§ 102-7. County landfill.
§ 102-8. Enforcement.
§ 102-9. Violations and penalties.

ARTICLE III
Sludge for Land Application

§ 102-10. Use of sludge prohibited.
§ 102-11. Definitions.
§ 102-12. Exceptions.
§ 102-13. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Use of County Refuse Containers
[Adopted 4-18-1985]

§ 102-1. Residential refuse only permitted.

It shall be unlawful to deposit anything other than residential refuse in any refuse container placed by Nottoway County for the use of the public.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RESIDENTIAL REFUSE — Includes household garbage or trash generated by the occupants of a residential unit. It does not include any refuse generated by a commercial, industrial or institutional establishment. Tires, furniture, appliances and tree limbs or other brush are also deemed not to be residential refuse for the purposes of this article.

§ 102-3. Violations and penalties.

Any person, firm or corporation depositing or causing to be deposited any item other than residential refuse in any Nottoway County public refuse container shall be guilty of a misdemeanor, punishable by a fine of not more than $100.

ARTICLE II
Garbage and Refuse
[Adopted 11-17-1988]

§ 102-4. Definitions.

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

COMMERCIAL COLLECTOR — Any person who collects solid waste and who delivers it to the sanitary landfill, except:

See Amended Aug. 21, 2014

A. County residents disposing of ~~their own or other's solid waste without any fee.~~

B. Municipal hauling operations for any town within the county.

C. Institutions.

DISPOSAL — The storage, collection, disposal or handling of solid waste.

GARBAGE — All animal, vegetable and mineral wastes resulting from the handling, preparation, cooking or consumption of foods.

HAZARDOUS WASTE — All of those types of materials so defined under regulations issued by the Virginia Department of Waste Management.[1]

INDUSTRIAL WASTE — All solid waste resulting from manufacturing and industrial processes, such as but not limited to those carried on in factories, processing plants, refineries, slaughterhouses and steel mills.

INSTITUTION — Any public or private establishment which educates, instructs, treats for health purposes or otherwise performs a service or need for the community, region, state or nation.

LITTER — All waste materials, including but not limited to bottles, glass, crockery, cans, scrap metal, paper, plastic, rubber, garbage, offal, waste building material at construction sites, disposable packages or containers thrown or deposited as prohibited herein, but not including the properly disposed waste of the primary processes of mining, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE — A container with a capacity of not less than 10 gallons, constructed and placed for use as a depository for litter.

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1 **Editor's Note: See also Ch. 72, Hazardous Materials.**

Aug 14

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 21st DAY OF AUGUST IN THE YEAR OF OUR LORD TWO THOUSAND FOURTEEN AND IN THE 239th YEAR OF THE COMMONWEALTH:

PRESENT: CLARENCE SIMPSON, CHAIRMAN
STEVEN BOWEN, VICE-CHAIRMAN
GARY SIMMONS
HELEN SIMMONS
SHERMAN VAUGHN
RONALD E. ROARK, CLERK

An ordinance to amend Chapter 102 Solid Waste of the Nottoway County Code as follows:

Article II
Garbage and Refuse

102.4 Definitions
The definitions of Commercial Collector are amended to read as follows:

Commercial Collector- any person who collects solid waste and who delivers it to the sanitary landfill, except:

A – County residents disposing of waste generated from the owners occupied primary dwelling and self-transported to the county landfill
B – Municipal hauling operations for any town within the county
C – Institutions

This ordinance shall become effective immediately upon its passage.
To wit: August 21, 2014

Adopted this 21st day of August, 2014 by a vote of 5 in favor and 0 opposed.

Clarence A. Simpson
Chairman

Ronald E. Roark
Clerk

PERSON — Any natural person, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary or representative or group of individuals or entities of any kind.

PRIVATE PROPERTY — Property owned by any person as defined herein, including but not limited to yards, grounds, driveways, entrances or passageways, parking areas, storage areas, any body of water, vacant land and recreation facilities.

PUBLIC PROPERTY — Any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, medians, lakes, rivers, streams, ponds or other bodies of water.

PUTRESCIBLE — Liable to become putrid (rotten).

RESIDENTS — Those persons residing in the county.

RESIDENTIAL WASTE — Solid wastes resulting from usual household operations in this county, excluding durable goods like refrigerators and tree trimmings.

RUBBISH — Large metal objects, wood, brush, tires, building demolition wastes, furniture, bed springs or other nonputrescible solid wastes.

SANITARY LANDFILL — That site or those sites operated by and established by the county and permitted by the State Department of Health for the disposal of solid waste.

SOLID WASTE — All solid and semiliquid waste of a community, including garbage, ashes, rubbish, street cleanings and solid, commercial and industrial wastes, but not including human or animal body wastes.

See Amended November 21, 2019

§ 102-5. Litter receptacles; storage of waste.

A. Litter receptacles [2]

(1) Litter receptacles shall be provided by the county for residential waste only.

(2) It shall be unlawful to place dead animals, manure, large metal objects, wood, brush, ~~tires,~~ tires demolition wastes, furniture, bedsprings or ~~other nonputrescible solid waste~~ in any landfill containers. These items shall be brought directly to the landfill site to be disposed of ~~at the county's cost~~ in accordance with specific instructions from the landfill foreman.

(3) It shall be unlawful to litter the container site, to place any solid waste outside of the container, to congregate at such site for any purpose other than disposal of solid waste material or to scavenge therein.

B. Storage of solid waste.

(1) It shall be unlawful for any person to discard or dump in or along any street, road (on or off the right-of-way), alley, stream, body of water, field or woods any household or

[2] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture or any other material or equipment, on public or private property, except in litter receptacles provided for public use for the deposit of such materials or except in an area designated by the State Department of Health as a permitted disposal site or licensed sanitary landfill.[3]

(2) Each property owner and each operator of any business, industry or institution shall keep his or its adjacent and surrounding area clear and free of litter and rubbish. These areas include but are not restricted to public and private sidewalks, roads and alleys, grounds, parking lots, loading and unloading areas and all vacant lots which are owned or leased by such establishment or institution.

(3) It shall be unlawful to dump, burn, bury, destroy or otherwise dispose of putrescible solid waste within the jurisdictional limits of the county, except at the county approved solid waste disposal sites or at those sites so approved by the county and permitted by the Health Department. Hazardous waste shall not be disposed of within the county.

(4) Nonputrescible solid wastes generated by the owner may be disposed of on private property by the owner thereof, so long as the place of disposal does not become a public nuisance or create, by its own nature, a hazard to health, and except where prohibited by state regulation.[4]

See Amended November 21, 2019

§ 102-6. Out-of-county waste.

No solid waste material, except that originating in Nottoway County, shall be placed, deposited or dumped in county solid waste collection and disposal locations, including the sanitary landfill. Only lawful residents of Nottoway County may dump such waste at the locations described above. Proof of residency may be required at the request of the landfill operator or dumpsite attendants.

§ 102-7. County landfill.

A. Regulations. Operation of the county sanitary landfill shall be subject to such regulations as may be adopted by the Board of Supervisors.[5]

B. Fees. Commercial collectors using the county sanitary landfill shall be subject to a fee schedule based on load size and type of refuse, which fees may be set from time to time by the Board of Supervisors.[6]

C. Institutions. The Board of Supervisors shall have authority to contract with institutions located within the county for fees for disposal of their solid waste.

D. Hazardous waste. Hazardous waste shall not be accepted at the county sanitary landfill.

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3 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

4 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

5 **Editor's Note: Sanitary landfill rules and regulations are on file in the office of the County Administrator.**

6 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Nov 19

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 21st DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND NINETEEN AND IN THE 244TH YEAR OF THE COMMONWEALTH:

PRESENT: STEVE BOWEN, CHAIRMAN
GARY SIMMONS, VICE CHAIRMAN
HELEN SIMMONS
SHERMAN VAUGHN
NOEL SHEKLETON
RONALD E. ROARK, CLERK

AN AMENDMENT TO CHAPTER 102 OF THE NOTTOWAY COUNTY CODE, SOLID WASTE

§102-5. Litter receptacles; storage of waste

A. Litter receptacles

(1) Litter receptacles shall be provided by the county for residential waste only.

(2) It shall be unlawful to place dead animals, manure, large metal objects, wood, brush, demolition wastes, furniture, bedsprings, or tires in any landfill containers. These items shall be brought directly to the landfill site to be disposed of in accordance with specific instructions from the landfill foreman.

§102-6. Out of County waste

No solid waste material, except that originating in Nottoway County, shall be placed, deposited or dumped in the county solid waste collection and disposal locations, including the sanitary landfill. Only lawful residents of Nottoway County may dump such waste at the locations described above. Proof of residency may be required at the request of the landfill operator or dumpsite attendants.

Done this 21st day of November, 2019 by a vote of 5 in favor and 0 opposed.

BY: Stephen W. Bowen, Chairman

Attest:

Ronald E. Roark, Clerk

§ 102-8. Enforcement.

A. All law enforcement officers in the state and those employees of the Commission of Game and Inland Fisheries vested with police powers shall enforce the provisions of this chapter and the state's anti-littering laws as passed by the General Assembly, and all rules and regulations adopted thereby, and are hereby empowered to arrest, without warrant, persons violating any provisions of this chapter or any of the rules and regulations adopted by the Department of Conservation and Economic Development of the state. All of the foregoing enforcement officers may serve and execute all warrants and other process issued by the courts in enforcing the provisions of this chapter. In addition, mailing by registered mail of such process to his last known place of residence shall be deemed as personal service upon the person charged, for the purposes of this chapter.

B. Any article of litter bearing a person's name or address, found on the private property of another, or on any public property as designated herein, shall be presumed prima facie evidence of a violation of this chapter, provided that such presumption may be rebuttable by competent evidence.

§ 102-9. Violations and penalties.

Violation of any of the provisions of this article shall be punished as a Class 2 misdemeanor, as defined by the Code of Virginia.

ARTICLE III
Sludge for Land Application
[Adopted 10-19-1995]

§ 102-10. Use of sludge prohibited.

The use of sludge for land application is prohibited in Nottoway County. This prohibited use shall include both surface and subsurface application.

§ 102-11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SLUDGE — Any solid, semisolid or liquid waste generated from a public, municipal, commercial, private or industrial wastewater treatment plant, water supply treatment plant, any pollution control facility or any other waste-producing facility and includes treated sludge, stabilized sewage sludges and stabilized septage.

§ 102-12. Exceptions.

This provision shall not apply to the otherwise lawful:

A. Incineration of sludge.

B. Disposal of sludge in an approved sanitary landfill.

§ 102-13. Violations and penalties.[7]

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor, punishable by a fine of not more than $100.

[7] **Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Dec 2001

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSDAY, THE 20TH DAY OF DECEMBER, IN THE YEAR OF OUR LORD TWO THOUSAND ONE AND IN THE 226TH YEAR OF THE COMMONWEALTH:

PRESENT: SIDNEY E. LOCKE, CHAIRMAN
JACK J. GREEN, VICE CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
R. RAY TAYLOR
R. E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND THE NOTTOWAY COUNTY CODE BY ADOPTING REGULATIONS ON THE LAND APPLICATION OF BIOSOLIDS.

Section 1. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biosolids means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state regulations.

County Coordinator means an employee of the county, either full-time or part-time, charged with the responsibility of insuring that the land application of biosolids is conducted in accordance with state regulations and is conducted in as orderly a fashion as possible.

Land Application means the distribution of either treated wastewater of acceptable quality, referred to as effluent, or supernatant from biosolids use facilities, or stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, assimilation or pollutant removal.

Section 2. Nutrient Management Plan

Before the land application of biosolids takes place, the applicator shall deliver to the County Coordinator, a Nutrient Management Plan developed by an independent vendor to ensure that the land application is performed in a manner consistent with state regulations. The County Coordinator may take samples of the biosolids before application and soil samples after the land application has been completed to confirm compliance with the Nutrient Management Plan.

Section 3. General Requirements for Land Application of Biosolids.

a. It shall be unlawful to dispose of sewage sludge or sludge on land located in the county except in accordance with federal and state law and this article.

b. No person shall dump, dispose of, spread or place biosolids on land in the county until all of the procedural requirements set forth in this

article and those set forth in applicable federal and state law have been satisfied. No owner of land shall permit such dumping, disposal, spreading or placement of biosolids on land in the county under such person's ownership, possession or control, until all of the procedural requirements set forth in this article and those set forth in applicable federal and state law have been satisfied.

c. Biosolids may be land applied only to those lands of the county which have the applicable federal and state permits for the land application of biosolids, including Virginia Department of Health (VDH) permits required for such land applications.

d. Biosolids otherwise permitted for land application under this article may only be applied to land in the county zoned A-1 (Agricultural) except owners of property zoned C-1 (Conservation) may apply for a Special Use Permit from the Board of Supervisors under the following conditions:

1- Property owned is a minimum of 100 contiguous acres.

2- Plan submitted to the Biosolids Coordinator prohibits application within 300 feet from any residence not owned by the applicant and/or occupied by family member.

3- Plan submitted to Biosolids Coordinator prohibits application of biosolids within 300 feet of any public building.

4- The Biosolids Coordinator will review the application for Special Use Permit and Plan and will approve or disapprove the permit within fourteen (14) days of receipt.

e. Biosolids to be land applied to lands which are immediately adjacent to residential subdivision(s) must be incorporated within 24 hours of delivery to such lands. Inclement weather is not an extenuating circumstance relieving any person from his obligations under this section. Hay and pasture land excluded.

f. Biosolids may be applied to lands in Nottoway County on Monday through Friday of each week. Under emergency circumstances, the Biosolids Coordinator may extend the application to Saturday on a case by case basis.

Section 4. Application Procedure for Land Application of Biosolids Approval.

a. At least thirty (30) days prior to applying biosolids to any land in the county, the contractor shall submit an application the County Coordinator of the County. The coordinator shall maintain a database of all active land application of biosolids applications.

b. The application shall be on a form provided by the county and be accompanied by the following:

1. A copy of the current applicable state permit (including any amendments to or reissuance thereof) or other applicable permit(s) from the federal or state authorizing agencies.

2. A proposed operation schedule indicating when land application of biosolids is planned for land in the county, to what lands such application is anticipated (listed by county GPIN) and an estimation of the duration of the planned application(s).

3. The name, telephone number and address of the hauler(s) of the biosolids (if different than that of the applicant).

[illegible] telephone number, of a contact person of the source. If the applicant has a contract with such source, the applicant shall also provide the expiration date thereof.

5. Designation on a county map of a primary and alternative hauling route.

6. A written statement signed by the property owner(s) and lessee(s), if any;

   (a) authorizing representatives of the county access anywhere on the land(s) for purposes of inspecting the land application of biosolids process; and

   (b) providing that he will make a good faith effort to implement any nutrient management plan ("NMP") applicable to the land upon which biosolids may be applied.

c. Upon receipt of the application, the County Coordinator shall review the application for its compliance with these requirements and forward a copy of the application for review by the Piedmont Soil and Water Conservation District.

Section 5. Approval or Disapproval.

a. The County Coordinator shall review the application for land application of biosolids and grant written approval within ten (10) days of the receipt of the application if the County Coordinator determines that the application meets the requirements set forth in this article.

b. When the County Coordinator determines that an application does not meet the requirements set forth in this article, the County Coordinator shall provide written notice of disapproval stating the specific reasons for disapproval to the applicant within ten (10) days of receipt of the application. The notice shall specify the modifications, terms and conditions which will permit approval of the application, and shall provide the applicant with an opportunity to respond and/or correct the noted deficiencies within ten (10) days, unless otherwise agreed to in writing by the County Coordinator.

c. If the County Coordinator fails to take action on an application for land application of biosolids within ten (10) days of receiving it, the application shall be deemed approved and the contractor may proceed with the proposed activity.

d. An approved application will expire one (1) year from the date of approval.

Section 6. Site Inspection.

The County Coordinator may inspect any site subject to land application of biosolids. The County Coordinator shall have authority to establish set back lines and site buffers in accordance with state regulations and the County Zoning Ordinances.

Section 7. Community Coordination.

a. The County Coordinator shall act as a liaison between biosolid applicators and the community. Applicators shall give the County Coordinator advance notice of the areas in the County where they will be applying biosolids.

b. At least fifteen (15) days prior to the anticipated land application of biosolids to any site within the County, the applicator shall post a

conspicuous sign, of a type approved by the County Coordinator, which shall state the approximate date of the proposed application, the name and telephone number of the County Coordinator, and the name and telephone number of a contact person for the applicator.

Section 8. Bonding Requirements.

Prior to applying any biosolids on any site in Nottoway County, applicators shall provide the County Coordinator with a reasonable performance bond with surety, cash escrow, letter of credit, or combination thereof, or such other legal arrangement, acceptable to the County Coordinator, that measures could be taken by the county at the expense of the applicator, to clean up any biosolid material spilled or dropped off of the site of application or on a public or private street providing access to the site of application, that the applicator fails to clean up, after being notified of the spill and the need for clean up. The amount of bond, security, or other legal arrangements shall be $5,000.00.

Section 9. Fees.

When authorized by state law, the county shall assess fees payable by the applicator for such expenses and charges for the County Coordinators as shall be allowable under regulations adopted by the State Health Department.

Section 10. Penalties for Violation.

Any violation of this ordinance shall constitute a Class I Misdemeanor, punishable as such.

Adopted this 20th day of December, 2001 by a vote of __ For and __ Against.

FOR THE BOARD OF SUPERVISORS:

BY: S. E. Locke
S. E. Locke, Chairman

ATTEST:

Ronald E. Roark
Ronald E. Roark, Clerk

Chapter 106
SUBDIVISION OF LAND

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[HISTORY: Adopted by the Board of Supervisors of Nottoway County 1-20-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 45.
Soil erosion and sediment control — See Ch. 99.
Zoning — See Ch. 125.

ARTICLE I
General Provisions

§ 106-1. Applicability; recording of plat required.

The following regulations are hereby adopted for the subdivision of land within Nottoway County insofar as subdivision control is concerned, from and after the effective date of this chapter. Every owner or proprietor of any tract of land to which these regulations apply who subdivides such tract as provided in these regulations shall cause a plat of such subdivision, developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the court wherein deeds conveying such land are required by law to be recorded.

§ 106-2. Purpose.

A. The purpose of this chapter is to establish certain subdivision standards and procedures for Nottoway County, Virginia, as provided for by the Code of Virginia, as amended.

B. These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become urban in character as a result of development for residential, business or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This chapter assists the community in meeting these responsibilities.

§ 106-3. Title.

This chapter is known and may be cited as the "Subdivision Ordinance of Nottoway County, Virginia."

§ 106-4. Definitions and word usage.

A. Words and terms.

(1) Words used in the present tense include the future; words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise.

(2) The word "lot" includes the word "parcel."

(3) The word "shall" is mandatory and not directory.

(4) The word "approve" shall be considered to be followed by the words "or disapproved."

(5) Any reference to this chapter includes all ordinances amending or supplementing the same.

(6) All distances and areas refer to measurement in a horizontal plane.

B. For the purpose of this chapter, certain words and terms used herein shall be interpreted or defined as follows:

ADMINISTRATOR — The representative of the governing body who has been appointed to serve as the agent of the governing body in approving the subdivision plats.

ALLEY — A permanent serviceway providing a secondary means of access to abutting properties.

BUILDING LINE — The distance which a building is from the front lot line or front boundary line.

BLOCK — An area enclosed by adjacent and usually intersecting streets.

COMMISSION — The Planning Commission of Nottoway County, Virginia.

CUL-DE-SAC — A street with only one outlet and having an appropriate turnaround for safe and convenient reverse traffic movement.

DEVELOPER — An owner of property being subdivided, whether or not represented by an agent.

EASEMENT — A grant by a property owner of the use of land for a specific purpose or purposes.

ENGINEER — An engineer licensed by the Commonwealth of Virginia.

GOVERNING BODY — The Board of Supervisors of Nottoway County, Virginia.

HEALTH OFFICIAL — The Health Director or Sanitarian serving Nottoway County, Virginia.

HIGHWAY ENGINEER — The resident highway engineer employed by the Virginia Department of Highways and Transportation.

JURISDICTION — The area or territory subject to the legislative control of the governing body.

LOT — A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory building.

LOT, CORNER — A lot abutting upon two or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE — An interior lot having frontage on two streets.

LOT, INTERIOR — A lot other than a corner lot.

LOT OF RECORD — A lot which has been recorded in the office of the clerk of the appropriate court.

LOT, WIDTH OF — The mean horizontal distance between the side lot lines.

PLAT — Includes the terms map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PROPERTY — Any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

ROAD — See "street."

STREET — The principal means of access to abutting properties.

STREET OR ALLEY, PUBLIC USE OF — The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

STREET, MAJOR — Any existing or future street designated as a major street on the adopted Plan of Land Use and Major Thoroughfares or a heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding 500 vehicles per day on any existing state secondary roads.

STREET, MINOR — A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.

STREET, SERVICE DRIVE — A public right-of-way generally parallel and contiguous to a major highway, primarily designated to promote safety by eliminating promiscuous ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET WIDTH — The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and plating strips.

SUBDIVIDE — The division of a parcel of land into three or more lots or parcels of less than 20 acres each for the purpose of transfer of ownership or building development. If a new street is involved in such division, then any division of land constitutes a subdivision. **[Amended 6-21-1990]**

(1) The requirements of this chapter shall not apply to the division of any parcel of land ordered by a court of competent jurisdiction.

(2) The term "to subdivide" shall not include a bona fide division or partition of agricultural or woodland for agricultural or forestry purposes if no construction of a

building or other structure to be used as living quarters is involved, or for the purpose of providing a building site for each immediate member of the family owning such land. A "member of the immediate family" is defined as any person who is a natural or legally defined offspring, spouse or parent of the owner.

(3) Every resubdivision of a parcel or lot of land originally subdivided pursuant to the terms of this chapter shall comply with the requirements of this chapter, and no redivision of any lot with frontage on a private street shall be permitted if such division results in any lot being less than 20 acres in size, unless the redivider shall provide a public street to said redivided lot. **[Amended 6-21-1990]**

(4) Two or more divisions of contiguous property by a subdivider within a twenty-four-month period shall be deemed a subdivision, provided that the combined result of such divisions is a division of a parcel of land into three or more lots or parcels of less than 20 acres each for the purposes of transfer of ownership or building development. **[Amended 6-21-1990]**

(5) A minimum thirty-foot right-of-way between subdivided lots and a state-maintained road will be provided by the owner of any parcel of land divided for use by immediate family members or by any other division of land not legally defined as a subdivision.

SURVEYOR — An individual by the Commonwealth of Virginia in accordance with § 54.1-400 et seq. of the Code of Virginia, as amended.

ARTICLE II
Administration

§ 106-5. Powers of Administrator; consultation with Planning Commission.

The Administrator appointed by the governing body is hereby delegated to administer this chapter. In so doing, the Administrator shall be considered the Administrator of the governing body, and approval or disapproval by the Administrator shall constitute approval or disapproval as though it were given by the governing body. The Administrator shall also consult with the Planning Commission on matters contained herein.

§ 106-6. Duties of Administrator.

The Administrator shall perform his duties regarding subdivisions and subdividing in accordance with this chapter and § 15.2-2240 et seq. of the Code of Virginia, as amended.

§ 106-7. Opinions and decisions of other officials.

In the performance of his duties, the Administrator shall call for opinions or decisions from the Highway Engineer and the Health Official, and may call for opinions or decisions in writing from other departments in considering details of any submitted plat.

§ 106-8. Additional administrative procedures and authority.

In addition to the regulations herein contained for the platting of subdivisions, the Administrator may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this chapter or such other authority as the Board of Supervisors might delegate.

§ 106-9. Public hearing.

Upon receipt of a preliminary plat, the Administrator shall schedule a public hearing. Such public hearing shall be held after proper advertisement has been made in the local newspaper serving the area where the subdivision is to be located. The advertisement shall specify the time and place of the hearing and list information related to the purpose for the hearing. Such advertisement shall appear not less than six days nor more than 21 days prior to the hearing.

ARTICLE III
Procedure for Making and Recording Plats

§ 106-10. Platting required.

A. Any owner or developer of any tract of land who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Circuit Court. No such plat of subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Administrator in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.

B. In the event a plan for subdivision is disapproved by the Administrator, the subdivider may appeal to the governing body which may then override the recommendation of the Administrator and approve said plat.

§ 106-11. Title certification by surveyor.

Every such plat shall be prepared by a surveyor duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat within an inset block or by means of a dotted boundary line upon the plat.

§ 106-12. Owner's statement.

Every such plat, or the deed of dedication to which plat is attached, shall contain, in addition to the surveyor's certificate, a statement to the effect that "the above and foregoing subdivision of (here insert correct description of the land subdivided) as appears in the plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any," which shall be signed by the owners, proprietors and trustees, if any, and shall be duly

acknowledged before some officer authorized to take acknowledgments of deeds and, when thus executed and approved as herein specified, shall be filed and recorded in the office of the Clerk of the Circuit Court and indexed under the names of the land owners signing such statement and under the name of the subdivision.

§ 106-13. Conformance with chapter required.

No person shall subdivide any tract of land except in conformity with the provisions of this chapter.

§ 106-14. Private contracts.

This chapter bears no relation to any private easement, covenant, agreement or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contracts, the provisions of this chapter shall apply.

§ 106-15. Changes to approved plats.

No change, erasure or revision shall be made on any preliminary or final plat nor on accompanying data sheets after approval of the Administrator has been endorsed in writing on the plat or sheets, unless authorization for such changes has been granted in writing by the Administrator.

§ 106-16. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the Administrator. At the time of filing the preliminary plat, the subdivider shall deposit with Nottoway County a check payable to the Treasurer of Nottoway County in the amount of $50 per plat and $2 for each lot in the subdivision.

ARTICLE IV
General Regulations

§ 106-17. Mutual responsibility.

There is a mutual responsibility between the subdivider and Nottoway County to divide the land so as to improve the general use pattern of the land being subdivided.

§ 106-18. Land suitable for development required.

The Administrator shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.

§ 106-19. Flooding.

A. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

B. Floodplain limits shall be determined through soil survey and engineering methods and shall be furnished to the Administrator by the subdivider. The Administrator shall require any additional information he deems pertinent, and it shall be the responsibility of the subdivider to furnish the Administrator the required information.

§ 106-20. Improvements.

All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Highways and Transportation for streets, curbs, etc., or by local ordinances and codes, such specifications shall be followed. The subdivider's bond shall not be released until construction has been inspected and approved by the appropriate engineer. All improvements shall be in accordance with the requirements of the Virginia Department of Highways and Transportation.

A. Streets. All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality:

(1) Alignment and layout. The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas and proposed streets. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Administrator, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision will not be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60°, unless approved by the Administrator upon recommendation of the Highway Engineer.

(2) Service drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for an appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

(3) Approach angle. Major streets shall approach major or minor streets at an angle of not less than 80°, unless the Administrator, upon recommendation of the Highway Engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

(4) Minimum widths. The minimum width of proposed streets, measured from lot line to lot line, shall be as shown on the major street plan or, if not shown on such plan, shall be as specified by the Virginia Department of Highways and Transportation for acceptance into the state secondary system.

(5) Construction requirements. All streets shall be constructed to requirements as specified by the Virginia Department of Highways and Transportation for acceptance into the state secondary system.

(6) Culs-de-sac. Generally, minor terminal streets (culs-de-sac), designed to have one end permanently closed, shall serve no more than 20 lots. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter.

(7) Alleys. Alleys may be provided wherever possible. Dead-end alleys, if unavoidable, shall be provided with adequate turnaround facilities as determined by the Administrator. There shall be no reserve strip controlling access to alleys.

(8) Private streets and reserve strips. Private streets will not be allowed in any subdivision. Every subdivided property shall be served from a publicly dedicated street meeting the minimum highway standards as set by the Virginia Department of Highways and Transportation. At the time of adoption of this chapter, the minimum standards include a fifty-foot right-of-way exclusive of curbs and gutters; a twenty-foot pavement with a six-foot fill and four-foot cut on each side; and a six-inch aggregate base with either a prime and double seal or 100 pounds of S-4 or S-5 plant mix. These standards will also be dependent upon the soil type involved. There shall be no reserve strips controlling access to streets.

(9) Names. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, land or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the Administrator. Names of existing streets shall not be changed except by approval of the governing body.

(10) Identification signs. Street identification signs of a design approved by the Administrator shall be installed at all intersections, readable from either side.

B. Monuments.

(1) As required by this chapter, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers and other improvements, the subdivider shall make certain that all monuments required by the Administrator are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted by the governing body.

(2) Location.

(a) Concrete. Concrete monuments four inches in diameter or square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision and at right-angle points and points of curve in each street. The top of the monument shall have an appropriate mark to properly identify the location.

(b) Iron pipe. All other lot corners shall be marked with an iron pipe not less than ¾ inch in diameter and 24 inches long and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod ½ inch in diameter, the top of which shall be flush with the finished grade line.

C. Water facilities. Where public water is available the service shall be extended to all lots within a subdivision, including fire hydrants, by the subdivider in accordance with the design standards and specifications for water, construction and improvements in Nottoway County, Virginia, and meeting the approval of the Administrator.

D. Sewerage facilities. Where public sewerage facilities are available, the service shall be extended to all lots within a subdivision, and septic tanks will not be permitted. Every subdivision shall be provided by the subdivider with a satisfactory and sanitary means of sewage collection and disposal in accordance with the design standards and specifications for sewerage construction and improvements and meeting the approval of the Administrator, except as follows:

(1) Septic tanks. The Administrator, Planning Commission or Board of Supervisors shall not approve any subdivision where sanitary sewers are not provided unless the agent shall receive, in writing, from the Health Official a statement to the effect that the area contained in the subdivision is generally satisfactory for the installation of septic tanks and that they will not, as far as can be determined, create hazards to public health, and that such approval by the governing body or its agent is only with the understanding that where septic tanks are to be installed there must be approval on an individual-lot basis by the Health Official.

(2) Private water and/or sewer. Nothing in this regulation shall prevent the installation of privately owned water and/or sewerage facilities in areas where public water and/or sewerage facilities are not available; provided, however, that such installations must meet all the requirements of the State Water Control Board, the State Health Department and any other state or local regulation having authority over such installation.

E. Lot size.

(1) The minimum lot size in any area shall be in accordance with Chapter 125, Zoning, of the Nottoway County Code.

(2) Exceptions. Greater lot areas may be required where individual septic tanks or individual wells are uses if the Health Official determines that there are factors of drainage, soil condition or other conditions to cause potential health problems. The Administrator shall require that data from soil studies and, when requested by the

Health Official, percolation tests, be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal. These tests and soils studies shall be performed by or under the supervision of the Health Official.

F. Storm drainage facilities. The subdivider shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The subdivisions shall also provide plans for all such improvements, together with a properly qualified certified engineer's or surveyor's statement that such improvements, when properly installed, will be adequate for proper development. The Highway Engineer shall then approve or disapprove the plans. The subdivider shall also provide any other information required by the Highway Engineer. The subdivider shall install the approved storm drainage facilities.

G. Fire protection. Adequate fire hydrants in a subdivision at locations approved by the Administrator shall be installed by the subdivider, provided that necessary public water is available. The location of the fire hydrants shall meet the National Board of Fire Underwriters specifications.

H. Easements. The Administrator may require that easements for drainage through adjoining property be provided by the subdivider. Easements of not less than 20 feet in width shall be provided for drainage, water, sewer, power lines and other utilities in the subdivision when required by the Administrator.

I. Bond. Before any subdivision plat will be finally approved, the subdivider shall, in lieu of construction, furnish bond in an amount calculated by the Administrator to secure the required improvements in accordance with specifications and construction schedules established, which bond shall be payable to and held by the governing body. Refer to § 15.2-2245 of the Code of Virginia for provisions on periodic partial and final release of bonds.[1]

J. Plans and specifications. Five blue- or black-line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer and shall be submitted to the Administrator for approval or disapproval within 60 days. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing.

§ 106-21. Lots.

In addition to the area and width requirements already specified, lots shall be arranged in order that the following considerations are satisfied:

A. Shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and conform to requirements of this chapter. Lots shall not contain peculiarly shaped

[1] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

B. Location. Each lot shall abut on a street dedicated by the subdivision plat, on an existing publicly dedicated street or on a street which has become public by right of use. If the existing streets do not conform to the requirements of § 106-20A(4), the subdivider shall make provisions in the deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to the minimum requirements. Lots shall not contain peculiarly shaped elongations solely to avoid this requirement by providing a deeded strip from the main portion of the lot to the street. **[Amended 6-21-1990]**

C. Corner lots. Corner lots shall have width sufficient for setback lines on both streets, as determined by the Administrator, so that visibility will be adequate. In no case shall the setback be less than that required in Chapter 125, Zoning.

D. Side lines. Side lines of lots shall be approximately at right angles or radial to the street line.

E. Remnants. All remnants of lots below minimum size left over after subdividing a tract must be added to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.

F. Separate ownership. Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the final plat. Said deed is to be deposited with the clerk of the court and held with the final plat until the subdivider is ready to record same, and they both shall then be recorded together.

G. Off-street parking and delivery facilities. All parcels of land, including those intended for business and industrial uses, shall be designed specifically for such purposes with space set aside for off-street parking and/or delivery facilities, as required by Chapter 125, Zoning.

§ 106-22. Blocks.

Where created by the subdivision of land, all new blocks shall be of modern design and shall comply with the following general requirements:

A. Length. Generally, the maximum length of blocks shall be 1,200 feet, and the minimum length of blocks upon which lots have frontage shall be 600 feet.

B. Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, consistent with Chapter 125, Zoning, and § 106-21G of this chapter, unless prevented by topographical conditions or size of the property, in which case the Administrator may approve a single tier of lots of minimum depth.

C. Orientation. Where a proposed subdivision will adjoin a major road, the Administrator may require that the greater dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress.

§ 106-23. Erosion and sediment control.[2]

The subdivider shall be required to provide the Administrator with plans for erosion and sediment control, both during and after development. The plans would be reviewed by the Administrator prior to plat approval.

ARTICLE V
Approval of Plats

§ 106-24. Approval required before sale.

Whenever any subdivision of land is proposed and before any permit for the erection of a structure shall be granted, the subdivider or his representative shall apply in writing to the Administrator for the approval of the subdivision plat. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in the following manner.

§ 106-25. Preliminary plat.

The subdivider shall present to the Administrator three prints of a preliminary layout at a scale of 100 feet to the inch for subdivisions in which all lots are less than five acres and at a scale to be determined in the discretion of the Administrator for subdivisions in which all lots are five acres or more, as a preliminary plat. The preliminary plat shall include the following information:

A. Name of subdivision, owner, subdivider, surveyor, date of drawing, number of sheets, North point and scale. If true north is used, the method of determination must be shown.

B. Location of proposed subdivision by an inset map at a scale of not less than two inches equals one mile showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.

C. The boundary survey or existing survey of record, provided that such survey shows a closure with an accuracy of not less than one in 2,500; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

D. All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and water courses, their names and other pertinent data.

E. The complete storm drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well-defined open stream which is considered natural drainage.

F. Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply. The location, type, profile, percentage of slope, pipe size and location of manholes shall not exceed 300 feet. The location, type and

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[2] **Editor's Note: See also Ch. 99, Soil Erosion and Sediment Control.**

sizes of all waterlines shall be shown, as well as the location of valves and fire hydrants. Necessary control valves shall be installed in each waterline.

G. A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

H. A profile or contour map showing the proposed grades for the streets and drainage facilities, including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.

I. A location map tying the subdivision into the present road system, either by aerial photographs or topographic maps of the United States Department of Interior.

J. All parcels of land to be dedicated for public use and the condition of such dedication.

§ 106-26. Preliminary plat approval procedure.

The Administrator or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of Chapter 125, Zoning. The subdivider shall then be advised in writing within 45 days, which may be by formal letter or by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that will have to be made and an estimate of the cost of construction or improvements and the amount of the performance bond which will be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the Administrator may consult with a duly licensed engineer who shall prepare this data for the Administrator, or preferably may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

§ 106-27. No guaranty of final approval.

Approval by the Administrator of the preliminary plat does not constitute a guaranty of approval of the final plat.

§ 106-28. Time limit for filing of final plat; extension.

The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the Administrator a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The Administrator may, on written request by the subdivider, grant an extension of this time limit.

§ 106-29. Final plat.

The subdivision plats submitted for final approval by the governing body and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth at a scale of 100 feet to

the inch for subdivisions in which all lots are less than five acres and at a scale to be determined in the discretion of the Administrator for subdivision in which all lots are five acres or more, on sheets having a size of not more than 17 inches by 25 inches. An original and two prints will be required. In addition to the requirements of the preliminary plat, the final plat shall include the following:

A. A blank oblong space three inches by five inches reserved for the use of the approving authority.

B. Certificates signed by a surveyor setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

C. A statement to the effect that the subdivision, as it appears on this plat, is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owner, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

D. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts, indicated by dashed lines, and identification of the respective tracts placed on the plat.

E. The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks, school sites; all existing public streets, their names, numbers and widths; existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits, including their size and type; watercourses and their names; names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.

F. Distances and bearings which must balance and close with an accuracy of not less than one in 10,000.

G. The data of all curves along the street frontage, shown in detail at the curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

§ 106-30. Conditions of final approval; disposition of completed plats.

A. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for a performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the Administrator. Approval of the final plat shall be written on the face on the plat by the Administrator.

B. The completed plats shall be submitted to the Nottoway County Board of Supervisors for approval. Upon the approval by the Board, the plats shall be signed by the Chairman of the Board and marked "approved." Two copies of the plat will be returned to the property owner, who will cause one copy of the plat to be recorded in the Clerk's office, Nottoway County, Virginia. If not approved, the Board will return the plats to the owner, with corrections to be made indicated thereon. No plat will be recorded until such Board

approval has been made. Any plat not recorded within 60 days after final approval shall be considered void and such approval withdrawn, and the plat shall be returned to the approving officer.

ARTICLE VI
Exceptions
[Amended 6-21-1983]

§ 106-31. Authority to grant exceptions.

Where the subdivider or other interested party can show that a provision of this chapter would cause substantial injustice or hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, the standards contained herein cannot be reasonably complied with and a departure may be made without destroying the intent of such provisions, the governing body may authorize an exception, upon such conditions as it may prescribe.

§ 106-32. Application; fee.

Any person desiring such an exception may make application by filing a letter of application with the Administrator, specifying the grounds upon which such exception is sought. Such letter of application hall be accompanied by a certified check for $50, payable to the Treasurer.

§ 106-33. Public hearing.

Before approving or rejecting any such application, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § 15.2-2204 of the Code of Virginia, after which the governing body may authorize an exception to the terms of this chapter. In authorizing an exception, the governing body may impose such conditions regarding the proposed development of the property as it may deem necessary in the public interest and may require a guaranty or bond to insure that the conditions imposed are being and will continue to be complied with.

ARTICLE VII
Amendments; Penalties

§ 106-34. Amendments.

This chapter may be amended in whole or in part by the governing body, provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendation, and further provided that no such amendment shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five but not more than 21 days prior to the hearing.

§ 106-35. Violations and penalties.

Any person violating the foregoing provisions of this chapter shall be subject to a fine of not more than $500 per lot or parcel of land so subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Chapter 110

TARGET RANGES

§ 110-1. Approval required; restrictions on discharge of firearms.

§ 110-2. Submission of application; time limits.

§ 110-3. Grant or denial of permission; revocation; right of appeal.

§ 110-4. Term; renewal; fees.

§ 110-5. Construction requirements.

§ 110-6. Enforcement.

§ 110-7. Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County 11-15-1977. Amendments noted where applicable.]

§ 110-1. Approval required; restrictions on discharge of firearms.

Pursuant to the authority of § 15.2-1200 of the Code of Virginia, it shall be unlawful for any person, landowner, organization or individual to construct or operate any rifle, pistol or shotgun target range, including events normally known as "turkey shoots," within the county without written approval by the Board of Supervisors or its Clerk. Such approval may be obtained upon application as provided by this chapter. No such construction shall provide for or allow any discharge of any firearm at any target within a distance of less than 100 yards of any public road in this county.

§ 110-2. Submission of application; time limits.

Application for approval of shooting or target ranges as required by this chapter shall be obtained from the County Administrator's office and shall be submitted to the Clerk to the Board of Supervisors at least 15 days prior to the event.

§ 110-3. Grant or denial of permission; revocation; right of appeal.

The Clerk to the Board of Supervisors in his discretion shall grant or deny the approval of a particular target or shooting range. Should an application be denied by the Clerk to the Board of Supervisors, the applicant shall have the right of appeal to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, its clerk or the Sheriff of Nottoway County shall have the right to revoke any permit issued pursuant to this chapter, with like right of appeal.

§ 110-4. Term; renewal; fees.

A. Approval for the construction or operation of a particular shooting or target range if granted shall be issued for a designated period, commencing July 1 and ending June 30 of

each year and renewed at the option of the Clerk to the Board with rights of appeal as provided by this chapter.

B. A fee of $5 shall be charged and collected to cover the costs involved in the issuance of permits and inspection of the same and/or renewals thereof.

§ 110-5. Construction requirements.

The physical construction of any target range or shooting range shall be in accordance with rules and regulations promulgated by the Board of Supervisors, which rules and regulations may be changed from time to time by majority vote of said Board at a regular meeting duly assembled.[1]

§ 110-6. Enforcement.

The enforcement of this chapter shall be the responsibility of the Administrator and Sheriff of Nottoway County.

§ 110-7. Violations and penalties.

Any violation of this chapter shall be punishable by a fine of not to exceed $1,000 and/or a jail sentence not to exceed 30 days in jail, pursuant to the authority of § 15.2-1429 of the Code of Virginia, as amended.

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1 **Editor's Note: The rules and regulations are on file in the office of the County Administrator.**

Chapter 113

TAXATION

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See Amended Nov 14, 2017

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[HISTORY: Adopted by the Board of Supervisors of the County of Nottoway as indicated in article histories. Amendments noted where applicable.]

See Enact Article XIV November 16, 2017

ARTICLE I
Recordation Tax
[Adopted 7-21-1958]

§ 113-1. Imposition of tax; computation.

The Board of Supervisors of Nottoway County does impose a county recordation tax in an amount equal to ⅓ of the amount of the state recordation tax collectible for the state on the first recordation of each taxable instrument, provided that no tax shall be imposed under this article upon any instrument in which the state recordation tax is $0.50 specifically; and provided, further, that where a deed or other instrument conveys, covers or relates to property located partly in Nottoway County and partly in another county or city or in other counties or cities, the tax imposed under the authority of this article shall be computed only with respect to the property located in Nottoway County.

§ 113-2. Compensation of Clerk of Circuit Court collecting tax.

The Clerk of the Circuit Court of Nottoway County collecting the tax imposed under this article shall pay the same into the treasury of Nottoway County. For his services in collecting the tax imposed by this article, the Clerk shall be compensated out of the treasury of Nottoway County in the amount of 5% upon each instrument taxable under this article recorded in his office. Such compensation shall be paid out of the County Treasury.

ARTICLE II
Sales Tax
[Adopted 6-28-1966]

§ 113-3. Levy of tax.

Pursuant to § 58.1-605 of the Code of Virginia, a local general retail sales tax at the rate of 1% to provide revenue for the general fund of the County of Nottoway is hereby levied. Said tax shall be added to the rate of the state sales tax imposed by § 58.1-600 of the Code of Virginia. It shall be subject to all the provisions § 58.1-600 of the Code of Virginia, all the amendments thereof and the rules and regulations published with respect thereto.

§ 113-4. Administration and collection.

Pursuant to § 58.1-605 of the Code of Virginia, the local general retail sales tax levied by this article shall be administered and collected by the State Tax Commissioner of the Commonwealth of Virginia in the same manner and subject to the same penalties as provided for the state sales tax, with the adjustments required by § 58.1-628 of the Code of Virginia.

ARTICLE III
Household Goods Exemption
[Adopted 10-25-1966]

§ 113-5. Tax exemption granted.[1]

Pursuant to § 58.1-3504 of the Code of Virginia, as amended the following classes of household goods and personal effects shall be exempt from taxation as tangible property:

A. Bicycles.

B. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery or any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

C. Pianos, organs and all other musical instruments; phonographs, record players and records to be used therewith; and radio and television instruments and equipment.

D. Oil paintings, pictures, statuary, curios, articles of vitu and works of art.

E. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

F. Sporting and photographic equipment.

G. Clothing and objects of apparel.

H. Antique motor vehicles as defined in § 46.2-100 of the Code of Virginia which may not be used for general transportation purposes.

I. All other tangible personal property used by an individual or family or household incident to maintaining an abode.

ARTICLE IV
Real Estate, Tangible Personal Property, Machinery and Tools and Merchants Capital
[Adopted 7-20-1976]

§ 113-6. Due date; penalty for late payment.

A. On December 5 of the fiscal year for which the levy is made, the annual tax or levy on real estate and tangible personal property, machinery and tools and merchants capital shall be due not later than the close of business at the Treasurer's office at Nottoway Court House, Virginia, on said December 5. When December 5 falls on a Sunday or holiday, the due date shall be extended until the close of business of the next business day.

B. For taxes or levies not paid on or before the due date and thereby delinquent, the Treasurer of Nottoway County shall impose a penalty of 10%. No such penalty shall exceed 10% of

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

113-7

Dec. 15, 2022

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 15TH DAY OF DECEMBER THE YEAR OF OUR LORD TWO THOUSAND TWENTY-TWO AND IN THE 247TH YEAR OF THE COMMONWEALTH:

PRESENT: LYNN K. SHEKLETON, CHAIR
JOHN A. ROARK
HELEN M. SIMMONS
SHERMAN C. VAUGHN
P. S. T. (TED) COSTIN, COUNTY ADMINISTRATOR
KATY J. TOMER, ASSISTANT COUNTY ADMINISTRATOR

ABSENT: STEVE W. BOWEN, VICE CHAIR

AN ORDINANCE CONCERNING TAX FILING FOR MOTOR VEHICLES, TRAILERS, AND BOATS

BE IT ORDAINED by the Board of Supervisors of the County of Nottoway that, pursuant to §§ 58.1-3518.1 and 58.1-3519, an alternative method for filing personal property tax returns for motor vehicles, trailers and boats is hereby established. Such method requires the Commissioner of the Revenue, from the best information they can obtain, to enter the fair market value of such property and assess the same as if it had been reported to them. Such information may be received from the State Department of Motor Vehicles or private entity allowed by law to report the presence of such property within the County. Such information may be received from a previous personal property tax return filed by the owner or owners of such property. Such information may be received from other sources that the Commissioner of the Revenue deems reliable, including from the owner or owners of the property.

Done this 15th day of December by a vote of 4 for and 0 opposed.

BY: Lynn K. Shekleton
Lynn K. Shekleton, Chair

Attest:

P. S. T. (Ted) Costin, Clerk

the tax past due on such property or the sum of $10, whichever shall be the greater. A minimum penalty of $10 shall be chargeable in any case.[2]

See Amended Dec. 15, 2022

§ 113-7. Deadline for filing returns; penalty for late filing.

A. Annual returns of tangible personal property, machinery and tools and merchants capital shall be due on May 1 of each year.

B. For returns not filed on or before May 1 of each year, and thereby past due, the Commissioner of the Revenue shall impose a penalty of 10% of the tax due on said return.

§ 113-8. Limitation on imposition of penalty; waiver of penalty.

No penalty shall be imposed for any assessment, other than an assessment of omitted taxes or levies under § 58.1-3903 or 58.1-3904 of the Code of Virginia, made later than two weeks prior to the day on which the taxes are due, if such assessment is made thereafter through the fault of a local official and if such assessment is paid within two weeks after the notice thereof is mailed. The governing body may provide by resolution for the waiver of the penalty and interest for failure to file a return or to pay a tax if such failure was not in any way the fault of the taxpayer.

ARTICLE V
Special Assessment for Land Preservation
[Adopted 5-15-1979;[3] amended 4-16-1987]

§ 113-9. Findings.

The County of Nottoway finds that the preservation of real estate devoted to agricultural, horticultural and open space uses within its boundaries is in the public interest and, having heretofore adopted a land use plan, hereby ordains that such real estate shall be taxed in accordance with the provisions of § 58.1-3230 of the Code of Virginia, as amended, and of this article.

§ 113-10. Application for classification; fee.

A. The owner of any real estate meeting the criteria set forth in §§ 58.1-3220 and 58.1-3233 of the Code of Virginia, as amended, may, at least 60 days preceding the tax year for which such taxation is sought, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236 of the Code of Virginia, as amended. (In any year in which a general reassessment is being made, such application

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2 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

3 **Editor's Note: This ordinance provided that the special assessment is effective for all tax years beginning on and after May 15, 1979.**

may be submitted until 30 days have elapsed after the notice of increase in assessment is mailed.)[4]

See Amended Oct 21, 2010

B. Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue and the BoS.

C. An individual who is the owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or cannot be located.

D. An application shall be submitted whenever the use or acreage of such land previously approved changes; provided, however, that such property owner must revalidate annually with the Commissioner of the Revenue any applications previously approved.

E. An application fee of ~~$10~~ $25 plus $0.50 per acre for the first 50 acres... over 100 shall accompany each application, and a separate application shall be filed for each parcel on the land book.

There is hereby imposed a revalidation fee equal to the application fee above every sixth year commencing in 2011.

§ 113-11. Determination of whether property meets criteria; opinions of state agencies.

A. Promptly upon receipt of any application, the Commissioner of the Revenue shall determine whether the subject property meets the criteria for taxation hereunder. If the Commissioner of the Revenue determines that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value.

B. In determining whether the subject property meets the criteria for agricultural use or horticultural use, the Commissioner of the Revenue may request an opinion from the Commissioner of Agriculture and Commerce; and in determining whether the subject property meets the criteria for open space use, he may request an opinion from the Director of the Commission of Outdoor Recreation. Upon the refusal of the Commissioner of Agriculture and Commerce or the Director of the Commission of Outdoor Recreation to issue an opinion or in the event of an unfavorable opinion which does not comport with standards set forth by the respective Director, the party aggrieved may seek relief from any court of record wherein the real estate in question is located. If the court finds in his favor it may issue an order which shall serve in lieu of an opinion for the purposes of this article.[5]

§ 113-12. Placement of value of property on land book.

The use value and fair market value of any qualifying property shall be placed on the land book before delivery to the Treasurer, and the tax for the next succeeding tax year shall be extended from the use value.

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4 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

5 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

113-10

Oct 2010

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSDAY, THE 21st DAY OF OCTOBER, IN THE YEAR OF OUR LORD TWO THOUSAND AND TEN AND IN THE 235th YEAR OF THE COMMONWEALTH:

PRESENT: **STEVE W. BOWEN, CHAIRMAN**
GARY L. SIMMONS
JACK J. GREEN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
R. E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF NOTTOWAY COUNTY, VIRGINIA ADOPTED 5-15-79 AND AMENDED 4-16-87

By authority of Section 15.2-2280 et.seq. of the Code of Virginia (1950), as amended, the Nottoway County Code is hereby amended with respect to the following articles and sections, to-wit:

Chapter 113, TAXATION, Article V – Special Assessment for Land Preservation

Section 113.10 – Application for classification; fee

B- **Add** *"and the Board of Supervisors"* at end of sentence.

E- **Delete** *"An application fee of $10"*

Add " *An application fee of $25 plus $0.50 per acre for the first 50 acres, $0.25 per acres for the next 50 acres, and $0.125 per acre for all acres over 100"*

There is hereby imposed a revalidation fee equal to the application fee above every sixth year commencing in 2011.

Effective date of this amendment is upon its passage, to-wit:

Passed by the Board of Supervisors of Nottoway County at a meeting and public hearing held on the 21st day of October, 2010 by a vote of **4** to **1**.

FOR THE BOARD OF SUPERVISORS:

BY: _____
Steven W. Bowen, Chairman

ATTEST:

_____
Ronald E. Roark, Clerk

§ 113-13. Rollback tax.

A. There is hereby imposed a rollback tax, and interest thereon, in such amounts as may be determined under § 58.1-3237 of the Code of Virginia, as amended, upon any property as to which the use changes to a nonqualifying use.[6]

B. The owner of any real estate liable for rollback taxes shall, within 60 days following a change in use, report such change to the Commissioner of the Revenue or other assessing officer on such forms as may be prescribed. The Commissioner shall forthwith determine and assess the rollback tax, which shall be paid to the Treasurer within 30 days of assessment. On failure to report within 60 days following such change in use and/or failure to pay within 40 days of assessment, such owner shall be liable for an additional penalty equal to 10% of the amount of the rollback tax and interest, which penalty shall be collected as a part of the tax. In addition to such penalty, there is hereby imposed interest of ½% of the amount of the rollback tax, interest and penalty, for each month or fraction thereof during which the failure continues.

C. Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon, and he shall be further assessed with an additional penalty of 100% of such unpaid taxes.

D. The provisions of Title 58.1 of the Code of Virginia, as amended, applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation hereunder mutatis mutandis including, without limitation, provisions relating to tax liens and the correction of erroneous assessments, and for such purposes, the rollback taxes shall be considered to be deferred real estate taxes.[7]

§ 113-14. Adoption of article.

After a public hearing by the Nottoway County Planning Commission, and a recommendation for adoption of the same; and, upon full consideration whereof by the Board of Supervisors, upon a majority vote duly taken, the Board of Supervisors does adopt the above article to be read, enacted and enforced as stated.

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6 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

7 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE VI
Exemption for Pollution Control Facilities
[Adopted 4-15-1980]

§ 113-15. Statutory authority.[8]

Pursuant to § 58.1-3660 of the Code of Virginia, the governing body of any county may, by ordinance, exempt or partially exempt from local taxation certified pollution control equipment and facilities, as defined in said section.

§ 113-16. Exemption granted; burden of proof for qualification for exemption.[9]

For the purposes of accomplishing the objectives of § 58.1-3600 of the Code of Virginia, certified pollution control equipment and facilities, as defined in said section, shall be exempt from Nottoway County real and personal property taxation to the extent of 50% of their assessed value as determined according to law. The owner of any such equipment or facilities claiming such exemption shall bear the burden of proving that said facilities qualify for this exemption.

See Amended October 20, 2005

ARTICLE VII *
Utility Tax
[Adopted 5-19-1981]

§ 113-17. Imposition of tax. [Amended 7-21-1994]

Pursuant to the authority contained in §§ 58.1-3812 and 58.1-3814 of the Code of Virginia, as amended, a tax is hereby imposed on the consumers of utility services as set forth in this article.

§ 113-18. Definitions. [Amended 7-21-1994]

As used in this article, the following terms shall have the meanings indicated:

UTILITY SERVICE — Any service taxable as local telephone service under the provisions of the Internal Revenue Code of 1954, as amended, relating to federal communications taxes, as such provisions are in force and effect on December 31, 1971, and any services provided by any light and power company within the county.

See Amended Sept 21, 2000

§ 113-19. Rate of tax.*

There shall be a tax imposed on the consumers of utility service at the rate of 20% of revenue.

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8 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

9 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Article VII
Begins 113-17
Oct 2005

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 20th DAY OF OCTOBER IN THE YEAR OF OUR LORD TWO THOUSAND FIVE AND IN THE 230TH YEAR OF THE COMMONWEALTH:

PRESENT: R. RAY TAYLOR, CHAIRMAN
SIDNEY E. LOCKE, VICE-CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
RONALD E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND Article VII of the Nottoway County Code:

ELECTRIC UTILITY TAX

I. IMPOSITION OF TAX.

Pursuant to Section 58.1-3814 of the Code of Virginia, as amended, there is hereby imposed and levied on every taxable purchase by a consumer of electric energy, a tax at the following rates:

Residential Customer: $0.015137 per kilowatt hours (kwh), with a minimum tax of $1.40 per month and a maximum of $3.00 per month.

Commercial Customers: $0.018128 per kilowatt hours (kwh), delivered including customer charges, with a minimum tax of $2.29 per month and a maximum tax of $3.00 per month.

Industrial Customers: $0.018128 per kilowatt hours (kwh), delivered including customer charges, with a minimum tax of $2.29 per month and a maximum tax of $3.00 per month.

II. NONAPPLICABILITY TO CERTAIN TOWNS.

This tax shall not apply within the limits of any incorporated town located within Nottoway County which town now or hereafter imposes a town tax on utility service, provided that such town:

Provides police or fire protection and water or sewer services, provided that any such town served by a sanitary district providing water or sewer services shall be deemed to be providing such water or sewer services itself.

III. COLLECTION OF TAX.

The tax imposed by this article shall be collected monthly from the consumers of electric energy by every corporation providing electric energy in Nottoway County, Virginia, who will deposit monthly all sums collected under the terms of this article with the treasurer of Nottoway County, Virginia.

IV. USE OF REVENUES.

The revenues derived from this tax, to the extent necessary, shall be used for solid waste management as provided in Section 10.1-1400 of the Code of Virginia, as amended.

V. CHARGE TO TOWNS.

Each town located within Nottoway County, Virginia, which levies a consumer utility tax shall be charged an amount not to exceed their pro rata cost, based upon population, for solid waste management in Nottoway County, Virginia.

Ordinance Continues Next Page with Telephone Tax See Section 113-55 etc.

113-19

Sept 2000

VOL 013 PAGE 821

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSDAY, THE 21ST DAY OF SEPTEMBER IN THE YEAR OF OUR LORD TWO THOUSAND AND IN THE 224TH YEAR OF THE COMMONWEALTH:

PRESENT:
R. RAY TAYLOR, CHAIRMAN
SIDNEY E. LOCKE, VICE CHAIRMAN
JACK J. GREEN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
RONALD E. ROARK, COUNTY ADMINISTRATOR
MAYO K. GRAVATT, COUNTY ATTORNEY
JOHN N. PROSISE, COUNTY PLANNER

AN AMENDMENT TO THE NOTTOWAY COUNTY UTILITY TAX ORDINANCE, ARTICLE VII, SECTION 113-19, NOTTOWAY COUNTY CODE.

The Ordinance of Nottoway County imposing a tax on consumers of Utility Services provided by electric utility suppliers is hereby amended to comply with the provisions of Section 58.1-3814 of the Code of Virginia providing that all such taxes are to be based on kilowatt hours (kwh) including customer charges.

Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001, the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:

Residential Customers: $0.015137 per kilowatt hours (kwh), with a minimum tax of $1.40 per month and a maximum tax of $3.00 per month.

Commercial Customers: $0.018128 per kilowatt hours (kwh), delivered including customer charges, with a minimum tax of $2.29 per month and a maximum tax of $3.00 per month.

Industrial Customers: $0.018128 per kilowatt hours (kwh) delivered including Customer charges, with a minimum tax of $2.29 per month and a maximum tax of $3.00 per month.

This Ordinance Amendment shall take effect as of its adoption, to wit September 21, 2000.

Adopted by the Board of Supervisors at a meeting and public hearing held on the 21st day of September 2000 by a vote of 5 for and 0 against.

FOR THE BOARD OF SUPERVISORS:

R. Ray Taylor, Chairman

ATTEST:

Ronald E. Roark, Clerk

§ 113-20. Nonapplicability. [Amended 10-20-1994]

This tax shall not be applicable to any revenue in excess of $15 per month for residential customers taxed as local telephone service nor shall it be applicable to any revenue in excess of $15 per month for any service provided by any light or power company within the county.

§ 113-21. Nonapplicability to certain towns in county.

This tax shall not apply within the limits of any incorporated town located within Nottoway County which town now or hereafter imposes a town tax on utility service, provided that such town:

A. Provides police or fire protection and water or sewer services, provided that any such town served by a sanitary district providing water or sewer services shall be deemed to be providing such water or sewer services itself; or

B. Constitutes a special school district and is operated as a special school district under a town school board of three members appointed by the Town Council.

§ 113-22. Collection of tax; deposit with Treasurer.

The tax imposed by this article shall be collected monthly from the consumers of utility service by every corporation providing utility service in Nottoway County, Virginia, who will deposit monthly all sums collected under the terms of this article with the Treasurer of Nottoway County, Virginia.

§ 113-23. Use of revenues.[10]

The revenues derived from this tax, to the extent necessary, shall be used for solid waste management as provided in § 10.1-1400 of the Code of Virginia, as amended.

§ 113-24. Charging of town for solid waste management.

Each town located within Nottoway County, Virginia, which levies a consumer utility tax shall be charged an amount not to exceed their pro rata cost, based upon population, for solid waste management in Nottoway County, Virginia.

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10 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ARTICLE VIII
Special Assessment for Law Library
[Adopted 9-21-1982]

§ 113-25. Assessment imposed; purpose.[11]

The county does hereby assess, as part of the costs incident to each civil action filed in any court located within the county, the sum of $2. Such assessments shall be collected by the clerk of the court in which the action is filed and remitted to the Treasurer of the county subject to the disbursements by the Board of Supervisors for the acquisition of law books and law periodicals and computer legal research services and equipment for the establishment, use and maintenance of a law library, which shall be open for the use of the public, and such disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the Board of Supervisors and paid out of the fund created by the imposition of this assessment.

§ 113-26. Additional nature of assessment; nonapplicability to certain governmental actions.

The assessment provided for in this article shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party, and in which the costs are assessed by the commonwealth, such political subdivision or the federal government.

§ 113-27. Library Commission.

The county does hereby establish a Library Commission to consist of three members of the local practicing bar, which Commission shall be appointed by the Judge of the Circuit Court of the County of Nottoway, the members of which shall serve for three-year terms beginning with the effective date of this article. Said Library Commission shall have the following duties:

A. To make periodic surveys of the law books in the law library established by this article.

B. To determine the number and types of books, periodicals and services to be acquired for said law library and to determine when the same shall be acquired.

C. To determine the amount of money available, and to become available, for the purpose of the law library and to submit recommendations to the Board of Supervisors as to how the same shall be expended.

D. To provide long-term planning for the development of the law library.

E. To prepare and submit rules to the Judge of the Circuit Court of the county governing the operation of the library.

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11 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

F. To perform such other duties as may be appropriate to the establishment and administration of the law library.

§ 113-28. Rules and regulations for operation of law library.

Rules for the use, operation and maintenance of said law library shall be prescribed by the Library Commission appointed pursuant to § 113-27 above. Said rules shall be effective upon the date of their approval by the Circuit Court of the County of Nottoway and shall be enforced by said Circuit Court by such summary process and judgment as shall be provided by said rules.

§ 113-29. Person in charge of library.

The Clerk of the Circuit Court shall take charge of the library so acquired pursuant to this article, and it shall be the duty of the Secretary of the Judge of the Circuit Court to assist the Clerk in the Court in the maintenance and operation of said library and in the enforcement of the rules prescribed pursuant to § 113-28 above.

ARTICLE IX
Motor Vehicle License Tax *
[Adopted 6-14-1984]

See Amended Nov. 16, 2017

Rescinded - Replaced with Article XIV (113-69)

§ 113-30. Imposition of tax.[12]

Pursuant to the authority contained in §§ 46.2-752 through 46.2-755 of the Code of Virginia, as amended, there is hereby imposed a license tax upon every person, firm or corporation owning a motor vehicle, trailer or semitrailer regularly garaged, stored or parked in the County of Nottoway and used or intended to be operated upon the streets or highways, except as herein otherwise provided.

§ 113-31. Nonapplicability.[13]

The provisions of this article shall not apply to any vehicle exempted from registration and licensing by the Commonwealth of Virginia pursuant to § 46.2-755 of the Code of Virginia, as amended, nor shall this article apply to any vehicle licensed under a similar ordinance of an incorporated town within the County of Nottoway.

§ 113-32. Amount of tax. [Amended 4-19-1990; 4-15-1993]

See Amended October 2004

On each and every automobile or other motor vehicle with the exceptions herein noted and mentioned, to which this article is applicable, there shall be a tax of ~~$20~~ $25 per annum, except and provided that on each and every motorcycle, motor scooter and all vehicles of like design and

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12 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

13 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

to which this article is applicable there shall be a tax of ~~$15~~ $18 per annum, and on all trailers or semitrailers to which this article is applicable there shall be a tax of ~~$13~~ $16 per annum.

§ 113-33. Designation of licensing agent.

The Nottoway County Board of Supervisors does hereby designate the Treasurer of Nottoway County as agent to whom applications for county motor vehicle licenses shall be made. No bond shall be required of the above agent other than the official bond of his office. Applications for county motor vehicle license shall be made to the agent upon forms providing for the name and address of the applicant and a brief description of the motor vehicle for which the license is to be issued. No motor vehicle shall be licensed under this article unless the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed and any delinquent motor vehicle, trailer or semitrailer personal property taxes assessed or accessible against the applicant by Nottoway County have been paid.

§ 113-34. Deposit of fees.

All fees and moneys shall be deposited by the Treasurer of Nottoway County in the same manner as that prescribed for other county funds.

§ 113-35. Proration of tax for certain vehicles.

One-half of the annual tax herein prescribed shall be collected whenever any license certificates are issued for newly purchased vehicles or vehicles moved into Nottoway County during the period beginning on the first day of October in any year and ending on the 31st day of March in the same license year.

§ 113-36. License year.

The license year under the terms of this article shall commence on the first day of April and shall expire on the 31st day of March of the following calendar year.

§ 113-37. Display of license certificate with state inspection.

The license certificates issued to the licensee shall be displayed with the state inspection of the vehicle for which license is issued.

§ 113-38. Transfer of registration; fee.

Any owner who sells or transfers a registered motor vehicle, previously registered under the provisions of this article, may have the license certificate, and the registration number thereon, assigned to another vehicle of like design and titled in the owner's name, upon application to the agent on forms providing for the name and address of the applicant and a description of the motor vehicle for which such license has been issued, as well as a description of the motor

Nov 17

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 16th DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND SEVENTEEN AND IN THE 242nd YEAR OF THE COMMONWEALTH:

PRESENT: HELEN M. SIMMONS, CHAIRMAN
SHERMAN C. VAUGHN, VICE-CHAIRMAN
STEVE W. BOWEN
GARY L.SIMMONS
NOEL R. SHEKLETON
RONALD E. ROARK, CLERK

AN ORDINANCE TO AMEND CHAPTER 113, TAXATION OF THE NOTTOWAY COUNTY, VIRGINIA CODE

By authority of Section 15.2-2280 et. seq. of the Code of Virginia (1950), as amended, the Nottoway County Code is hereby amended with respect to the following articles and sections, to-wit:

Chapter 113, TAXATION, Article IX – Motor Vehicle License Tax is **recinded**.

Chapter 113, TAXATION, Article XIV – County Vehicle Licenses is **enacted**.

Chapter113- Article XIV. County Vehicle Licenses

§ 69. Vehicles required to be licensed; situs; student owners; grace period.

A. Every person who shall own or lease a motor vehicle normally garaged, stored or parked in the County shall pay an annual County license fee for such vehicle, as required herein.

B. Persons who establish residence in the County during the license year shall comply with the provisions of this chapter within 45 days subsequent to establishing such residence.

C. The situs for the imposition of licensing fees under this chapter shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an Institution of higher education, the situs shall be the domicile of such student, provided that the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

§70. Assessment of license fee; exemptions for volunteer fire department and rescue squad members; Prisoners of War.

A. There is hereby assessed to any person owning a motor vehicle normally garaged, stored or parked in Nottoway County on January 1st of each year a Nottoway County motor vehicle license fee.

B. The chief or captain of each volunteer fire department and volunteer emergency rescue squad will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside in the County. The certified list will include the complete name of each individual, his residence address, and the identification number and description of the cars owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form and submit it to his chief who will attach all individual applications to the certified listing and submit them to the Treasurer of the County prior to April 1st of each year.

After reviewing a comparing the certified listings and ap cations with the personal property tax rolls, the Treasurer will exempt to each certified member one license fee without charge. No member of a volunteer rescue squad or volunteer fire department shall be issued an exception for more than one vehicle free of charge.

C. Any persons that have been Prisoners of War are hereby exempt from the mandatory licensing fees as specified in this chapter.

§71. Amount of fee, and Antique Exemptions

A. On each and every passenger vehicle and truck there shall be an annual license fee of $25.00, and on each and every motorcycle, with or without a sidecar, a license fee of $18.00, and on each and every trailer, a license fee of $16.00.

B. The provisions of this chapter shall not be construed as to impose a license fee upon any motor vehicle when the motor vehicle is operated by a common carrier of persons or property operating between cities and towns in the commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation.

C. Antique motor vehicles and antique trailers, as defined in § 46.2-100, Code of Virginia, registered and licensed by the state in accordance with §46.2-730A, Code of Virginia, shall be exempt from the payment of the license fee levied under this chapter, provided that other conditions prescribed herein are met. in order to qualify for exemption hereunder, an antique motor vehicle and antique trailer registered and licensed under § 46.2-730, Code of Virginia, shall not be used for general transportation purposes, including but not limited to daily travel to and from the owner's place of employment, but shall only be used:

(1) For participation in club activities, exhibits, tours, parades, and similar events;

(2) On the highways of the commonwealth for the purpose of testing its operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in Subsection B(1) of this section, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and

(3) To carry or transport passengers in the antique motor vehicle, personal effects in the antique motor vehicle and antique trailer, or other antique motor vehicles being transported for show purposes.

D. All fees collected pursuant to this chapter shall be deposited by the Treasurer in the general fund of the County.

§72. Payment of personal property taxes and license fee prerequisite to vehicle license.

A. No motor vehicle shall be licensed by the Department of Motor Vehicles until such applicant for such license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of Nottoway County that any delinquent motor vehicle personal property taxes or license fees which have been properly assessed or are assessable against the applicant by the County have been paid.

B. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling and owned by the taxpayer have been paid.

C. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle as to which a fee is required to be paid pursuant to this chapter qualified under the provisions hereof to a waiver of the fee, until the applicant for such license or registration from the Department of Motor Vehicles has produced before the Nottoway County Treasurer, or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle have been paid and satisfactory evidence that any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

§73. License year.

The license year with respect to which the fee required to be paid under this chapter is assessed, shall be January 1st through December 31st of each year. The fee assessed under this chapter shall be assessed to the owner of each motor vehicle as provided in this chapter for motor vehicles owned January 1st of each year.

The fee shall be payable on or before December 5th of each year, and with respect to any fees not paid at that time, a fee of $20 to reimburse the County of Nottoway for costs associated with administration of the Vehicle Registration Withholding Program with the Commonwealth of Virginia Department of Motor Vehicles shall be assessed. The fee herein assessed will be based upon ownership of vehicles on fee day, that is January 1st of each year, and the period for which the license is effective shall be January 1st through December 31st of the next ensuing year.

§74. Failure to pay license fee or personal property taxes.

A. In the event that the license fee required by this chapter is not paid, or if any personal property taxes, properly assessed against such vehicle, are not paid on or before December 5th of each year; with respect to each owner or co-owner of any motor vehicle as to which the license fee has not been paid, or any personal property taxes have not been paid, the Treasurer shall mail to the owner/co-owner by first-class mail notice of Intent to request the Commonwealth of Virginia Department of Motor Vehicles under the Vehicle Registration Withholding Program to deny his or her registration renewal with respect to the vehicle which is subject to the license fee or personal property tax herein. In the event of payment of that vehicle license fee and/or delinquent personal property taxes, the Treasurer shall provide to the vehicle owner/co-owner an approved numbered receipt that clearly indicates that the vehicle owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes to the locality, together with the penalty, interest and administrative fee hereinabove set forth.

B. It shall be unlawful for any owner of a motor vehicle to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle.

C. A violation of this section shall constitute a Class 4 misdemeanor.

D. A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained.

Effective date of this amendment is upon its passage, to-wit:

Passed by the Board of Supervisors of Nottoway County at a meeting and public hearing held on the 16th day of November by a vote of 5 to 0.

FOR THE BOARD OF SUPERVISORS

By Helen M. Simmons
Chairman – Board of Supervisors

Attest:
Ronald E Roark
Clerk

Oct 2004

Mr. Coalson states that preliminary findings of the sale study show that "raw" property, 1-20 acres, will see the largest increase of market value, upon completion of the 2006 Reassessment.

Mr. Taylor asks for clarification on the following and final steps of the Reassessment process; Mr. Coalson explains these for the Board. Chairman Simpson asks for clarification on how farmland will be reassessed, Mr. Coalson explains that the landowner will play a major role in that area of the reassessment; (clarifying on which is usable farmland, unusable timberland, etc.).

Public Hearing – Amend Motor Vehicle License Tax Ordinance. Mr. Roark reads aloud the proposed amendment to the Section 113.32 of the Nottoway County Code Motor Vehicle License Tax (Nottoway County vehicle decals). Mr. Roark explains that this amendment, if approved, will raise car/truck decals from $20 to $25, motorcycle (or any like vehicle) decals from $15 to $18 and trailers and semi-trailer decals from $13 to $16. Mr. Vaughn moved to approve the amendment to Section 113.32 of the Nottoway County Code Motor Vehicle License Tax. The motion carried as follows:

S.C. Vaughn	Yes
J.J. Green	Yes
S.E. Locke	Yes
R.R. Taylor	Yes
C.A. Simpson	Yes

(SEE PAGE THRU PAGE
FOR APPROVED AMENDMENT TO
SECTION 113.32 OF NOTTOWAY COUNTY
MOTOR VEHICLE LICENSE TAX ORDINANCE)

Mr. Green clarifies for everyone that the decal money collected, is, in turn, distributed to our local emergency services agencies.

Mr. Bowman explains some information that he provided to the Board members, the FY 2004 VDOT financial report.

Public Hearing – Six Year Plan – Department of Transportation. Mr. Billy Smith presents the proposed 2005-06 through 2010-11 Secondary Six-Year Improvement Plan. Mr. Smith reiterates to the Board members that VDOT strongly suggests adding no additional construction projects to the proposed Six-Year Plan.

Chairman Simpson opens the public hearing:

Mr. David Ostrander, a resident of Piney Green Road, is present to ask the Board for support on placing Piney Green Road, Rt. 611, a County dirt road in severe condition, back on the Secondary Six-Year Plan. Mr. Ostrander expresses disapproval on VDOT paving a county dirt road with less than ten homes on it (a road currently on the six year plan) and intentionally overlooking a road with at least 40 homes and constant, heavy traffic. The Board assures Mr. Ostrander that with a little patience, the Board will aide the residents of Piney Green Road.

Mr. Green suggests that in the near future, the Board needs to meet to stringently reevaluate the Nottoway County Secondary Six-Year Improvement Plan.

Mr. Green moves to approve the Nottoway County 2005-06 through 2010-11 Secondary Six-Year Improvement Plan. The motion carried as follows:

S.C. Vaughn	Yes
J.J. Green	Yes
S.E. Locke	Yes
R.R. Taylor	Yes
C.A. Simpson	Yes

vehicle to which such license is to be transferred. Such application shall be accompanied by a fee of $1.

§ 113-39. Duplicate license certificates; fee.

In the event that any license certificate issued under the provisions of this article shall be lost or mutilated, or shall become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the agent and upon payment of $1.

§ 113-40. Restrictions on use of license certificate.

No person, firm or corporation to whom a license has been issued as provided for in this article shall give, loan, rent, sell, assign or transfer such license certificate to another or permit another to use said license certificate during the license year for which said license certificate is issued, nor shall any person, firm or corporation use the license certificate issued to another or duplicate same. No person shall own, possess or operate on the public highways any motor vehicle required to be licensed under this article unless the license tax required by this article has been paid.

§ 113-41. Violations and penalties.[14]

Every person who violates any provision of this article shall be guilty of a Class 4 misdemeanor.

113-4A Fire Dept. and Emergency Squads - Separate Classification See Amended June 18, 2009

ARTICLE X
Transient Occupancy Tax
[Adopted 12-21-1989]

§ 113-42. Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

COMMISSIONER OF REVENUE — The Commissioner of Revenue of the county.

HOTEL — Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house or other lodging place within the county offering lodging to any transient (as hereinafter defined) for compensation and which can lodge four or more persons at any one time.

LODGING — Any space or room furnished to any transient.

PERSON — Any individual.

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14 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

ROOM RENTAL — The total charge, exclusive of any tax imposed on any such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging, then such portion of the total charge as represents only lodging rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

TRANSIENT — Any person who, for a period of less than 30 consecutive days, either at his own expense or at the expense of another, obtains lodging in any hotel, as hereinabove defined, for which lodging a charge is made.

TREASURER — The Treasurer of the County of Nottoway.

§ 113-43. Tax levied; rate.

On and after January 1, 1990, in addition to any other tax imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to 2% of the total amount paid for room rental by or for any such transient to any hotel.

§ 113-44. Collection.

On and after January 1, 1990, every person receiving any payment for lodging rental with respect to which a tax is levied under this article shall collect the amount of tax hereby imposed from the transient on whom the same is levied, or from the person paying for such lodging rental, at the time payment for such lodging rental is made. The taxes required to be collected hereunder shall be deemed to be held in trust by the person required to collect the same until remitted as hereinafter required.

§ 113-45. Reports and remittance.[15]

The person collecting any such tax shall make out a report upon such forms, and setting forth such information, as the Commissioner of Revenue may prescribe and require, showing the amount of lodging rental charges collected and the tax required to be collected, and shall sign and deliver the same to the Treasurer with a remittance of such tax. Such reports and remittances shall be made on or before the 10th day of each month covering the amount of tax collected during the preceding month. Any remittances made hereunder by check or money order shall be payable to the County of Nottoway.

§ 113-46. Penalty and interest for nonpayment.

If any person shall fail or refuse to remit to the Treasurer the tax required to be collected and paid under this article, or fail or refuse to submit the reports required by this article within the time and in the amount specified in this article, there shall be added to such tax by the Treasurer a penalty of 10% if the failure is for not more than one month, with an additional 5% for each additional month, or fraction thereof, during which the failure continues, not to exceed 25% in

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15 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2009

113-41A

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSAY, THE 18TH DAY OF JUNE, IN THE YEAR OF OUR LORD TWO THOUSAND AND NINE AND IN THE 233rd YEAR OF THE COMMONWEALTH:

PRESENT: **CLARENCE A. SIMPSON, CHAIRMAN**
STEVE W. BOWEN, VICE CHAIRMAN
GARY L. SIMMONS
JACK J. GREEN
SHERMAN C. VAUGHN
R. E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO ESTABLISH A SEPARATE CLASSIFICATION OF PERSONAL PROPERTY FOR CERTAIN MOTOR VEHICLES OWNED BY MEMBERS OF VOLUNTEER FIRE DEPARTMENTS AND EMERGENCY SQUADS

BE IT ORDAINED, by the Board of Supervisors of Nottoway County, Virginia, that; pursuant to Section 58.1-3506 of the Code of Virginia, a separate classification of personal property is hereby created for the purpose of levying personal property taxes on motor vehicles owned or leased by members of a volunteer emergency squad or volunteer fire department provided that such squad or department is sited in the county and the member , in accordance with the terms of this section, serves the county. Such classification of leased motor vehicles shall apply only if the member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. The county may levy a tax on one motor vehicle, which is owned or leased by each volunteer emergency squad or volunteer fire department member at different rates from the levy on other tangible personal property, provided the volunteer emergency squad member or volunteer fire department member, regularly responds to emergency calls or regularly perform other duties for such emergency squads or fire departments. The county shall establish the rates at the time of its annual budget process, including the establishment of other personal property tax rates. For the calendar year beginning January 1, 2009, and for each and every calendar year thereafter, unless changed, by January 31 of each year, the chief officer of each such emergency squad or volunteer fire department, shall furnish the commissioner of revenue with a certification identifying each of the applicable volunteers that are members of the applicable volunteer emergency squads or fire departments who regularly respond to calls or regularly perform other duties for such emergency squads or fire departments and specifying the motor vehicles owned or leased by such volunteer emergency squad or volunteer fire department members. However, the commission of revenue shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after January 31 deadline, but not later than March 31 of such year.

This ordinance shall be effective from its passage to wit, June 18, 2009.

Adopted this 18th day of June, 2009 by a vote of 5 in favor and 0 opposed.

FOR THE BOARD OF SUPERVISORS:

BY: Clarence A. Simpson
Clarence A. Simpson, Chairman

ATTEST:

Ronald E. Roark
Ronald E. Roark, Clerk

the aggregate; provided, however, that in no case shall the penalty be less than $10, and such minimum penalty shall apply whether or not any tax is due for the period for which such return was required. In addition, there shall be added to such unpaid tax interest at the rate of 8% per annum on the amount of tax delinquent, such interest to commence on the first day of the month following the month in which such taxes are due.

§ 113-47. Failure to collect, report or remit tax; action by Commissioner of Revenue.

If any person shall fail or refuse to collect, in whole or in part, or properly to report or remit such tax within the time required by this article, the Commissioner of Revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Commissioner of Revenue has procured such facts and information, he shall make his estimate of the tax due and proceed to determine and assess against such person such estimated tax due, together with the penalties, and the total amount thereof shall be payable within 10 days from the date of such notice; provided, however, that before any determination and assessment is made by the Commissioner that any person is liable for tax penalty and interest under this section, he shall give such person notice and an opportunity to be heard concerning such possible determination and assessment.

§ 113-48. Records.

It shall be the duty of every person liable for the collection and payment to the county of any tax imposed by this article to keep and preserve for a period of three years such suitable records as may be necessary to determine the amount of such tax as he may have been liable for collection of and payment to the county, which records the Commissioner of Revenue and the County Treasurer shall have the right to inspect at all reasonable times.

§ 113-49. Cessation of business.

Whenever any person required to collect and pay to the county a tax under this article shall cease to operate or otherwise dispose of his business, any tax payable hereunder to the county shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

§ 113-50. Powers and duties of Commissioner of Revenue.

It shall be the duty of the Commissioner of Revenue to ascertain the name of every person operating a hotel in the county liable for collection of the tax levied by this article. The Commissioner of Revenue shall have the power to adopt rules and regulations not inconsistent with the provisions of this article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied.

§ 113-51. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be guilty of a Class 3 misdemeanor, punishable pursuant to § 18.2-11 of the Code of Virginia (as amended), and each violation or failure to comply shall constitute a separate offense. The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided for by law.

ARTICLE XI
Assessment for Court House Maintenance
[Adopted 4-19-1990]

See Amended Nov 15, 2001

§ 113-52. Amount of assessment.

The county hereby assesses the sum of $2 as a part of the costs of each criminal ~~and~~ traffic and civil case in District or Circuit Court within ~~the~~ Nottoway county.

§ 113-53. Collection.

The Clerk of the appropriate Court shall collect such assessment and remit the same monthly to the County Treasurer.

§ 113-54. Purpose of funds.

See Amended Sept. 20, 2007

The Treasurer shall hold such funds subject to disbursement by the Board of Supervisors for the maintenance of the Courthouse and Court-related facilities and to defray increases in the costs of heating, cooling, electrical and ordinary maintenance.

113-54A Courthouse Security Fee

See Amended October 20, 2005

ARTICLE XII
Telephone Service Tax*
[Adopted 1-17-1991]

§ 113-55. Amount of tax.

A special tax shall be imposed upon the consumers of telephone services in Nottoway County, Virginia. The tax described in this article shall be at a rate of $1.12 per month on each telephone line in service.

§ 113-56. Exceptions.

No tax imposed by this article shall be levied on any local, state or federal government agency.

November 15, 2001

113-52

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURT HOUSE THEREOF ON THURSDAY, THE 15TH DAY OF NOVEMBER, IN THE YEAR OF OUR LORD TWO THOUSAND ONE AND IN THE 226th YEAR OF THE COMMONWEALTH:

PRESENT: SIDNEY E. LOCKE, CHAIRMAN
JACK J. GREEN, VICE CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
R. RAY TAYLOR
R. E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO AMEND ARTICLE XI, SECTION 113-52 OF THE CODE OF NOTTOWAY BY ASSESSING A $2.00 FEE ON ALL CIVIL CASES IN DISTRICT OR CIRCUIT COURT WITHIN NOTTOWAY COUNTY.

WHEREAS, Section 17.1-281 of the Code of Virginia (1950 as amended) allows for the assessment of a fee of $2.00 as part of the cost of court of each civil action filed in the district or circuit courts located within the county boundaries;

NOW, THEREFORE, BE IT ORDAINED that Section 113-52 of the Code of Nottoway County is hereby amended to read as follows:

113-52 Amount of Assessment.

The County of Nottoway hereby assesses the sum of $2.00 as a part of the costs of each criminal, traffic and civil case in the District or Circuit Court within Nottoway County.

Adopted this 15th day of November, 2001 by a vote of __ For and __ Against.

FOR THE BOARD OF SUPERVISORS:

BY: S. E. Locke
S. E. Locke, Chairman

ATTEST:

Ronald E. Roark, Clerk

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 15th DAY OF NOVEMBER IN THE YEAR OF OUR LORD TWO THOUSAND TWELVE AND IN THE 237th YEAR OF THE COMMONWEALTH:

PRESENT: JACK GREEN, CHAIRMAN
SHERMAN VAUGHN, VICE-CHAIRMAN
CLARENCE SIMPSON
STEVE BOWEN
GARY SIMMONS
RONALD E. ROARK, CLERK

AN ORDINANCE TO IMPOSE A FEE ON COURT COSTS FOR PROCESSING PERSONS ADMITTED TO JAIL

WHEREAS, section 15.2-1613.1 of the code of Virginia 1950 as amended authorizes any county to impose a processing fee on any individual admitted to a county, city or regional jail following conviction; and

NOW, THEREFORE, BE IT HEREBY ORDAINED, in the county on or after November 16, 2012, a processing fee of $25.00 is hereby assessed and imposed upon any individual admitted to a county, city or regional jail following conviction within the county of a crime, misdemeanor or violation of a local ordinance of the county or any town located within this county. The fees shall be assessed by the clerk of the court of which the conviction occurred and collected with the other cost of court proceedings. After collection by the clerk of the court the assessment shall be remitted to the treasurer of the county and held subject to appropriation by the Board of Supervisors to the sheriff or regional jail to defray the cost of processing the convicted persons into the local or regional jail.

Adopted by the Nottoway County Board of Supervisors of Nottoway County, Virginia at a meeting and public hearing held on November 15, 2012 by a vote of 5 in favor and -0- opposed.

Approved:

Jack J. Green, Chairman

Attest:

Ronald E. Roark, Clerk

2007

113-54A

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 20th DAY OF SEPTEMBER IN THE YEAR OF OUR LORD TWO THOUSAND SEVEN AND IN THE 232nd YEAR OF THE COMMONWEALTH:

PRESENT: JACK J. GREEN, CHAIRMAN
SHERMAN C. VAUGHN, VICE-CHAIRMAN
SIDNEY E. LOCKE
CLARENCE A. SIMPSON
JAMES W. KING
RONALD E. ROARK, COUNTY ADMINISTRATOR

An Ordinance Amendment to assess a fee of $10.00 on each criminal or traffic case for courthouse security.

WHEREAS, the 2007 Session of the General Assembly enacted an amendment to §53.1-120 of the Code of Virginia to provide that any County may assess a sum not in excess of $10.00 as a part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance to fund its courthouse security personnel;

NOW, THEREFORE, BE IT HEREBY ORDAINED, that in the County of Nottoway on and after September 20, 2007, a fee of ten dollars is hereby and shall be assessed as part of the cost against each defendant for each conviction or violation of a statute or ordinance which shall be collected by the Clerk of the Court with other cost. The Clerk shall remit the fees to the Treasurer of the county. The Treasurer shall hold such funds subject to appropriation by this Board for the funding of courthouse security.

Adopted by the Board of Supervisors of Nottoway County at a meeting and Public Hearing held on September 20th by a vote of 5 in favor and 0 opposed.

APPROVED:

Jack J. Green, Chairman

ATTEST:

Ronald E. Roark, Clerk

Begins 113-55

Oct 20, 2005 1st part of Ordinance pertains to 113-17

TELEPHONE TAX

I. IMPOSITIION OF TAX

(a) Pursuant to section 58.1-3812 of the Code of Virginia, as amended, there is hereby imposed and levied on every taxable purchase by a consumer of a local telecommunication service, when such consumer's service address is located in the county, a tax at a rate equal to twenty (20) percent of the monthly gross charge to the consumer of such service; provided, however, that this tax shall not be applicable to any amount so charged in excess of fifteen dollars ($15.00) per month for each residential consumer.

(b) Pursuant to section 58.1-3812 of the Code of Virginia, as amended, there is hereby imposed and levied on every taxable purchase by a consumer of mobile local telecommunication service, when such consumer's service address is located in the county, a tax at a rate equal to ten (10) percent of the monthly gross charge to the consumer of such service; provided, however, that this tax shall not be applicable to any amount so charged in excess of thirty dollars ($30.00) per month for each mobile service consumer.

(c) With respect to commercial consumers of local telecommunication service, the tax shall be twenty (20) percent on charges for local telecommunication service. The tax imposed by this section shall not be applied to any portion of a monthly charge for any single telecommunication service to a commercial or industrial consumer that exceeds fifty dollars ($50.00).

II. APPLICABILITY TO LOCAL TELEPHONE SERVICE

The taxes imposed by this article on consumers of local telephone service shall apply to all charges made for local telephone service except local messages which are paid for by inserting a coin or coins in coin-operated telephones.

III. EXEMPTIONS

Public safety agencies, as defined by Code of Virginia, Section 58.1-3813, are exempt for all utility taxes.

IV. DUTY OF SERVICE PROVIDER TO COLLECT, REPORT AND REMIT; PENALTY AND INTEREST

(a) Before engaging in business in the county, every service provider shall register with the commissioner of the revenue and provide, on a form prescribed by the commissioner of the revenue, sufficient information about the service provider and its manner of doing business to ensure that the taxes imposed and levied by this article will be properly assessed.

(b) It shall be the duty of every service provider, in acting as the tax collection medium or agency for the county, to collect from each consumer, for the use of the county, the taxes imposed and levied by this article at the time of collecting the purchase price charged for the service. The taxes so collected during each calendar month shall be reported and remitted by each service provider to the treasurer on or before the fifteenth day of the second calendar month thereafter. The required report shall be created by the treasurer and request all information that may be required by the commissioner of the revenue.

(c) Failure to report or remit the taxes so collected on or before the due date set forth in subsection (b) of this section shall result in a penalty of ten (10) percent of the amount due or ten dollars ($10.00), whichever is greater, which shall be added to the amount due; provided, however, that the penalty shall not exceed the amount due.

(d) The treasurer shall provide the commissioner of the revenue by the fifteenth of each month with copies of all reports submitted in the preceding month by persons required to collect the tax levied by this article.

V. PROCEDUR 'PON FAILURE TO COLLECT, R ORT, ETC.

(a) It shall be the duty of the commissioner of the revenue to ascertain the name of every service provider liable for the collection of the tax imposed and levied by this article, as well as the name of every service provider that fails, refuses or neglects to collect such tax or to make, within the time provided by this article, the reports and remittances required by this article.

(b) If any service provider, whose duty it is so to do, shall fail, refuse or neglect to collect the tax imposed and levied under this article or to make, within the time provided in this article, the reports and remittances required by this article, the commissioner of the revenue shall obtain the facts and information necessary to make an estimate of the tax due. As soon as the commissioner of the revenue has procured such facts and information, he shall proceed to determine and assess the tax imposed and levied by this article and shall notify such service provider, by certified mail, sent to its last known place of business, of the total amount of such tax, penalties and interest; at the same time, a copy of this notice shall be provided to the county treasurer. The total amount of this assessment shall be payable within ten (10) days from the date of such notice.

VI. SERVICE PROVIDER'S RECORDS

Each service provider shall keep complete records showing all purchases of local telecommunication service in the county, which record shall show the date of each bill, the price each consumer is charged with respect to each purchase, and the amount of taxes imposed by this article. Such record shall be made maintained for a period of five (5) years and shall be made available for inspection by the commissioner of the revenue or his duly authorized agents at reasonable times during normal business hours. The commissioner of the revenue or his duly authorized agents shall have the authority to make such transcripts thereof during such times as they may deem necessary and appropriate.

VII. DUTIES OF COMMISSIONER OF THE REVENUE AND COUNTY TREASURER

(a) The commissioner of the revenue shall be charged with auditing the reports required by this article, ensuring that service providers are registered to collect the tax levied by this article, and responding to all inquiries that may be made by taxpayers or service providers.

(b) The county treasurer shall be charged with the receipt and collection of the taxes levied by this article, and shall cause the same to be paid into the general treasury of the county.

Adopted this 20th day of October 2005 by a vote of four in favor and none opposed.

Ray Taylor, Chairman
Board of Supervisors
County of Nottoway, Virginia

Certified True Copy

ATTEST:

Ronald E. Roark, Clerk to the Board

§ 113-57. Use of funds.

All funds received as a result of the imposition of this tax shall be utilized solely for the initial capital, installation and maintenance cost of the emergency telephone system, and thereafter for recurring maintenance costs of such system.

§ 113-58. Compensation of utility for collecting tax.

Any telephone utility collecting and submitting the tax described herein shall receive compensation for accounting for and remitting said tax at the rate of 3% of the tax due and accounted for in the form of a deduction in submitting the return.

§ 113-59. Statutory authority.

This article is enacted pursuant to § 58.1-3813 of the Code of Virginia.

ARTICLE XIII
Business, Professional and Occupational License Tax
[Adopted 12-19-1996]

§ 113-60. Overriding conflicting ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by this governing body, whether or not compiled in the Code of this jurisdiction, to the extent of any conflict, the following provisions shall be applicable to the levy, assessment and collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within this locality.

§ 113-61. Definitions.

For the purpose of this article, unless otherwise required by the context, the following terms shall have the meanings indicated:

AFFILIATED GROUP:

A. One or more chains of includable corporations connected through stock ownership with a common parent corporation which is an includable corporation if:

   (1) Stock possessing at least 80% of the voting power of all classes of stock and at least 80% of each class of the nonvoting stock of each of the includable corporations, except the common parent corporation, is owned directly by one or more of the other includable corporations; and

   (2) The common parent corporation directly owns stock possessing at least 80% of the voting power of all classes of stock and at least 80% of each class of the nonvoting stock of at least one of the other includable corporations. As used in

this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The term "includable corporation" means any corporation within the affiliated group irrespective of the state or country of its incorporation, and the term "receipts" includes gross receipts and gross income.

B. Two or more corporations if five or fewer persons who are individuals, estates or trusts own stock possessing:

(1) At least 80% of the total combined voting power of all classes of stock entitled to vote or at least 80% of the total value of shares of all classes of the stock of each corporation; and

(2) More than 50% of the total combined voting power of all classes of stock entitled to vote or more than 50% of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership, is identical with respect to each such corporation.

C. When one or more of the includable corporations, including the common parent corporation, is a nonstock corporation, the term "stock" as used in this definition shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

ASSESSMENT — A determination as to the proper rate of tax, the measure to which the tax rate is applied and, ultimately, the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed or, if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

ASSESSOR or ASSESSING OFFICIAL — The Commissioner of Revenue of this jurisdiction.

BASE YEAR — The calendar year preceding the license year, except for contractors subject to the provisions of § 58.1-3715.

BROKER — An agent of a buyer or a seller who buys or sells stocks, bonds, commodities or services, usually on a commission basis.

BUSINESS — A course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: advertising or otherwise holding

oneself out to the public as being engaged in a particular business or filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

COMMODITY — Staples, such as wool, cotton, etc., which are traded on a commodity exchange and on which there is trading in futures.

CONTRACTOR — The meaning prescribed in § 58.1-3714.B of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

DEALER — Any person engaged in the business of buying and selling securities for his own account, but does not include a bank or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

DEFINITE PLACE OF BUSINESS — An office or a location at which occurs a regular and continuous course of dealing for 30 consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere, and the person is not licensable as a peddler or itinerant merchant.

FINANCIAL SERVICES — The buying, selling, handling, managing, investing and providing of advice regarding money, credit, securities and other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this article.

GROSS RECEIPTS — The whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia.

LICENSE YEAR — The calendar year for which a license is issued for the privilege of engaging in business.

PERSONAL SERVICES — Rendering for compensation any repair, personal, business or other services not specifically classified as financial, real estate or professional service under this article, or rendered in any other business or occupation not specifically classified in this article unless exempted from local license tax by Title 58.1 of the Code of Virginia.

PROFESSIONAL SERVICES — Services performed by architects, attorneys at law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to § 58.1-3701 of the Code of Virginia. The Department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study, is used by its practical application to the affairs of others, either advising, guiding or teaching them, and

in serving their interests or welfare in the practice of an art or science founded on it. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

PURCHASES — All goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for sale. Such merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine or chooses not to disclose the cost of manufacture.

REAL ESTATE SERVICES — Rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this article, and such services include but are not limited to the following:

Appraisers of real estate
Escrow agents, real estate
Fiduciaries, real estate
Lessors of real property
Real estate agents, brokers and managers
Real estate selling agents
Rental agents for real estate

RETAILER or RETAIL MERCHANT — Any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

SECURITY — The same meaning as in the Securities Act (§ 13.1-501 et seq.) of the Code of Virginia or in similar laws of the United States regulating the sale of securities; those engaged in rendering financial services include, but without limitation, the following:

Buying installment receivables
Chattel mortgage financing
Consumer financing
Credit card services
Credit unions
Factors
Financing accounts receivable
Industrial loan companies
Installment financing
Inventory financing
Loan or mortgage brokers
Loan or mortgage companies
Safety deposit box companies
Security and commodity brokers and services
Stockbroker
Working capital financing

SERVICES — Things purchased by a customer which do not have physical characteristics or which are not goods, wares or merchandise.

WHOLESALER or WHOLESALE MERCHANT — Any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which, because of the quantity, price or other terms, indicate that they are consistent with sales at wholesale.

§ 113-62. License requirement.

A. Every person engaging in this jurisdiction in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this article, unless otherwise exempted by law, shall apply for a license for each such business if such person maintains a definite place of business in this jurisdiction, such person does not maintain a definite office anywhere but does maintain an abode in this jurisdiction, which abode for the purpose of this article shall be deemed a definite place of business or there is no definite place of business but such person operates amusement machines, is engaged as a peddler or itinerant merchant, carnival or circus as specified in §§ 58.1-3717, 58.1-3718 or 58.1-3728, respectively, of the Code of Virginia, or is a contractor subject to § 58.1-3715 of the Code of Virginia, or is a public service corporation subject to § 58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this jurisdiction; all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

B. Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensing in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.

C. The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before March 31.

D. The assessing official may grant an extension of time, not to exceed 90 days, in which to file an application for a license, for reasonable cause. The extension shall be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of 10% of the portion paid after the due date.

E. Penalty.

(1) A penalty of 10% of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within 30 days, the Treasurer may impose a late payment penalty of 10%. The penalties shall not be imposed or, if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

(2) "Acted responsibly" means that the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred and promptly rectifying a failure once the impediment was removed or the failure discovered.

(3) "Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

F. Interest.

(1) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded, together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this article from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916.

(2) No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in the event of such adjustment, provided that the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

§ 113-63. Situs of gross receipts.

A. General rule. Whenever the tax imposed by this article is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a licensable privilege at a definite place of business within this jurisdiction. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed or, if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of § 58.1-3715 of the Code of Virginia.

(2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur or, if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures may apply to the Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality.

(3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.

(4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.

B. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule (and the affected jurisdictions are unable to reach an apportionment agreement), except as to circumstances set forth in § 58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

C. Agreements. The Assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100% of its gross receipts from all locations in the affected jurisdictions, the Assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

§ 113-64. Limitations and extensions.

A. Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this article, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

B. Notwithstanding § 58.1-3903 of the Code of Virginia, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding years.

C. The period for collecting any local license tax shall not expire prior to the period specified in § 58.1-3940 of the Code of Virginia, two years after the date of assessment if the period for assessment has been extended pursuant to this section, two years after the final determination of an appeal for which collection has been stayed pursuant to the following § 113-65B and D of this article, or two years after the final decision in a court application pursuant to § 58.1-3984 of the Code of Virginia or similar law for which collection has been stayed, whichever is later.

§ 113-65. Appeals and rulings.

A. Any person assessed with a licensing tax under this article as the result of an audit may apply within 90 days from the date of the assessment to the assessing official for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies and any other facts relevant to the taxpayer's contention. The Assessor may hold a conference with the taxpayer if requested by the taxpayer or require submission of additional information and documents, further audit or other evidence deemed necessary for a proper and equitable determination of the applications. The assessment shall be deemed prima facie correct. The Assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth his position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to

be followed in the jurisdiction (e.g., the name and address to which an application should be directed).

B. Provided an application is made within 90 days of an assessment, collection activity shall be suspended until a final determination is issued by the Assessor, unless the Assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of § 113-62F of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous or that a taxpayer desires to depart quickly from the locality, to remove his property therefrom, to conceal himself or his property therein or to do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

C. Any person assessed with a license tax under this article as a result of an audit may apply within ninety days of the determination by the assessing official on an application pursuant to Subsection A above to the Tax Commissioner for a correction of such assessment. The Tax Commissioner shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to § 58.1-1821 of the Code of Virginia, and the Tax Commissioner may issue an order correcting such assessment pursuant to § 58.1-1822 of the Code of Virginia. Following such an order, either the taxpayer or the assessing official may apply to the appropriate Circuit Court pursuant to § 58.1-3984 of the Code of Virginia. However, the burden shall be on the party making the application to show that the ruling of the Tax Commissioner is erroneous. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.

D. On receipt of a notice of intent to file an appeal to the Tax Commissioner under Subsection C above, the assessing official shall further suspend collection activity until a final determination is issued by the Tax Commissioner, unless the Assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of § 113-62F), but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in Subsection B above.

E. Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the Assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if there is a change in the law, a court decision, or the Assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

§ 113-66. Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the Assessor to verify the correctness of the tax paid for the license years assessable and to enable the Assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the Assessor in order to allow the Assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The Assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office if the records are maintained there. In the event that the records are maintained outside this jurisdiction, copies of the appropriate books and records shall be sent to the Assessor's office upon demand.

§ 113-67. Exclusions and deductions from gross receipts.

A. General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business or profession.

B. The following items shall be excluded from gross receipts:

(1) Amounts received and paid to the United States, the commonwealth or any county, city or town for the Virginia retail sales or use tax, or for any local sales tax or any local excise tax on cigarettes, for any federal or state excise taxes on motor fuels.

(2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).

(3) Any amount representing returns and allowances granted by the business to its customer.

(4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

(5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor or the return of principal or basis upon the sale of a capital asset.

(6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee but shall be included in the licensee's gross receipts, together with any handling or other fees related to the incentive.

(7) Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.

(8) Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

C. The following shall be deducted from gross receipts or gross purchases that would otherwise be taxable:

(1) Any amount paid for computer hardware and software that is sold to a United States federal or state government entity, provided that such property was purchased within two years of the sale to said entity by the original purchaser who shall have been contractually obligated at the time of purchase to resell such property to a state or federal government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a state or federal government entity in accordance with the original contract obligation.

(2) Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

§ 113-68. License fee and tax.

A. Every person or business subject to licensure under this chapter shall be assessed and required to pay annually a fee for the issuance of such license in the amount of $10.

B. In addition to the license fee specified in Subsection A above, and except as may be otherwise provided in §§ 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, every such person or business with annual gross receipts of more than $0.00 shall be assessed and required to pay annually a license tax on all the gross receipts of such persons includable as provided in this article at a rate set forth below for the class of enterprise listed:

(1) For contractors and persons constructing for their own account for sale: $0.04 per $100 of gross receipts.

(2) For retailers: $0.05 per $100 of gross receipts.

(3) For financial, real estate and professional services: $0.15 per $100 of gross receipts.

(4) For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this article or otherwise by law: $0.09 per $100 of gross receipts.

(5) For wholesalers: $.015 per $100 of purchases.

(6) For carnivals, circuses and speedways: $250 for each performance held in this jurisdiction.

(7) For fortune tellers, clairvoyants and practitioners of palmistry: $250 per year.

(8) For massage parlors: $ 1,000 per year.

(9) For itinerant merchants or peddlers: $500 per year.

(10) For photographers: $15 per year.

(11) For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of 10,000 persons, open to the public: $500 per year.

(12) For savings and loan associations and credit unions: $0.00 per year.

(13) For direct sellers as defined in § 58.1-3719.1 of the Code of Virginia with total annual sales in excess of $4,000: $0.05 per $100 of total annual retail sales or $0.015 per $100 of total annual wholesale sales, whichever is applicable.

(14) Public service corporations. For any telephone and telegraph company or heat, light and power company: ½ of 1% of the gross receipts of such company accruing from business in Nottoway County. **[Added 1-16-1997]**

Article XIV

County Vehicle Licenses

First Enacted November 16, 2017 (see 113-30)

See Amended September 20, 2018

September 20, 2018
Amended 113-69 + following

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 20th DAY OF SEPTEMBER IN THE YEAR OF OUR LORD TWO THOUSAND EIGHTEEN AND IN THE 243rd YEAR OF THE COMMONWEALTH:

PRESENT: SHERMAN VAUGHN, CHAIRMAN
STEVE BOWEN, VICE-CHAIRMAN
HELEN SIMMONS
GARY SIMMONS
NOEL SHEKLETON
RONALD E. ROARK, CLERK

An Ordinance to Amend the Nottoway County Vehicle License Ordinance

Be It Hereby Ordained That The Nottoway County Vehicle License Ordinance Is Amended As Follows:

Chapter 113- Article XIV County Vehicle Licenses

§69. Vehicles required to be licensed; situs; student owners; grace period.

A. Every person who shall own or lease a motor vehicle normally garaged, stored or parked in the County shall pay an annual County license fee for such vehicle, as required herein. For purposes of this Article, Nottoway County will adopt the definition of "motor vehicle" used in the Virginia Code §46.2-100.

B. Persons who establish residence in the County during the license year shall comply with the provisions of this chapter within 45 days subsequent to establishing such residence.

C. The situs for the imposition of licensing fees under this chapter shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an Institution of higher education, the situs shall be the domicile of such student, provided that the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

§70. Assessment of license fee; inoperable vehicles; farm use exemptions; exemptions for volunteer fire department and rescue squad members; Prisoners of War.

A. There is hereby assessed to any person owning, or leasing motor vehicle normally garaged, stored or parked in Nottoway County on January 1st of each year a Nottoway County motor vehicle license fee.

B. Motor Vehicles that are inoperable or unlicensed shall not be subject to the license fee in this Article.

C. Motor Vehicles that are exempted from registration by the Virginia Code §46.2-662 through §46.2-684.1, shall not be subject to the license fee in this Article.

D. The chief or captain of each volunteer fire department and volunteer emergency rescue squad will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside in the County. The certified list will include the complete name of each individual, his residence address, and the identification number and description of the cars owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form and submit it to his chief who will attach all individual applications to the certified listing and submit them to the Commissioner of Revenue of the County prior to April 1st of each year. After reviewing and comparing the certified listings and applications with the personal property tax rolls, the Commissioner of Revenue will exempt to each certified member one license fee without charge. No member of a volunteer rescue squad or volunteer fire department shall be issued an exception for more than one vehicle free of charge.

E. Any persons that have been Prisoners of War are hereby exempt from the mandatory licensing fees as specified in this chapter.

F. For purposes of this section, the Commissioner of Revenue shall have the authority to abate the license fee.

§71. Amount of fee, Antique Exemptions, and Permanent Trailers

A. On each and every passenger vehicle and truck there shall be an annual license fee of $25.00, and on each and every motorcycle, with or without a sidecar, a license fee of $18.00, and on each and every trailer, a license fee of $16.00. Permanent trailers that are registered with the Department of Motor Vehicles are exempt from paying the annual county license fee.

B. The provisions of this chapter shall not be construed as to impose a license fee upon any motor vehicle when the motor vehicle is operated by a common carrier of persons or property operating between cities and towns in the commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intracity transportation.

C. Antique motor vehicles and antique trailers, as defined in § 46.2-100, Code of Virginia, registered and licensed by the state in accordance with §46.2-730A, Code of Virginia, shall be exempt from the payment of the license fee levied under this chapter, provided that other conditions prescribed herein are met. in order to qualify for exemption hereunder, an antique motor vehicle and antique trailer registered and licensed under § 46.2-730, Code of Virginia, shall not be used for general transportation purposes, including but not limited to daily travel to and from the owner's place of employment, but shall only be used:

(1) For participation in club activities, exhibits, tours, parades, and similar events;

(2) On the highways of the commonwealth for the purpose of testing its operation or selling the vehicle or trailer, obtaining repairs or maintenance, transportation to and from events as described in Subsection B(1) of this section, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner; and

(3) To carry or transport passengers in the antique motor vehicle, personal effects in the antique motor vehicle and antique trailer, or other antique motor vehicles being transported for show purposes.

D. All fees collected pursuant to this chapter shall be deposited by the Treasurer in the general fund of the County.

§72. Payment of personal property taxes and license fee prerequisite to vehicle license.

A. No motor vehicle shall be licensed by the Department of Motor Vehicles until such applicant for such license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of Nottoway County that any delinquent motor vehicle personal property taxes or license fees which have been properly assessed or are assessable against the applicant by the County have been paid.

B. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling and owned by the taxpayer have been paid.

C. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle as to which a fee is required to be paid pursuant to this chapter qualified under the provisions hereof to a waiver of the fee, until the applicant for such license or registration from the Department of Motor Vehicles has produced before the Nottoway County Treasurer, or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle have been paid and satisfactory evidence that any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

§73. License year.

The license year with respect to which the fee required to be paid under this chapter is assessed, shall be January 1st through December 31st of each year. The fee assessed under this chapter shall be assessed to the owner of each motor vehicle as provided in this chapter for motor vehicles owned January 1st of each year.

The fee shall be payable on or before December 5th of each year, and with respect to any fees not paid at that time, a fee of $25 to reimburse the County of Nottoway for costs associated with administration of the Vehicle Registration Withholding Program with the Commonwealth of Virginia Department of Motor Vehicles shall be assessed. The fee herein assessed will be based upon ownership of vehicles on fee day, that is January 1st of each year, and the period for which the license is effective shall be January 1st through December 31st of the next ensuing year.

§74. Failure to pay license fee or personal property taxes.

A. In the event that the license fee required by this chapter is not paid, or if any personal property taxes, properly assessed against such vehicle, are not paid on or before December 5th of each year; with respect to each owner or co-owner of any motor vehicle as to which the license fee has not been paid, or any personal property taxes have not been paid, the Treasurer shall mail to the owner/co-owner by first-class mail notice of Intent to request the Commonwealth of Virginia Department of Motor Vehicles under the Vehicle Registration Withholding Program to deny his or her registration renewal with respect to the vehicle which is subject to the license fee or personal property tax herein. In the event of payment of that vehicle license fee and/or delinquent personal property taxes, the Treasurer shall provide to the vehicle owner/co-owner an approved numbered receipt that clearly indicates that the vehicle owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes to the locality, together with the penalty, interest and administrative fee hereinabove set forth.

B. It shall be unlawful for any owner of a motor vehicle to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle.

C. A violation of this section shall constitute a Class 4 misdemeanor.

D. A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained.

Adopted this 20th day of September 2018 by a vote of five in favor and none opposed.

Sherman Vaughn
Chairman

Ronald E. Roark
Clerk

Tax Exempt 2018

AN ORDINANCE GRANTING MID-ATLANTIC BROADBAND COMMUNITIES CORPORATION AN EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXES IN THE COUNTY OF NOTTOWAY, VIRGINIA

WHEREAS, on the request of the Mid-Atlantic Broadband Communities Corporation, pursuant to Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, a properly noticed public hearing was held on the matter of granting an exemption from real and personal property taxes in the County of Nottoway, Virginia; and

WHEREAS, pursuant to Section 6(a)(6) of Article X of the Constitution of the Code of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors of Nottoway County may by designation or classification exempt from real or personal property taxes, or both, property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the following questions were considered:

1. Whether the organization is exempt from taxation pursuant to *§ 501 © of the Internal Revenue Code of 1954*;

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;

5. Whether the organization provides services for the common good of the public;

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

7. The revenue impact to the locality and its taxpayers of exempting the property; and

8. Any other criteria, facts and circumstances that is pertinent to the adoption of such ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Nottoway County, Virginia that the real and personal property of the applicant Mid-Atlantic Broadband Communities Corporation, is hereby classified and designated as being used for a charitable and/or benevolent purpose within the context of Section 6(a)(6) of Article X of the Constitution of Virginia and herewith is granted an exemption from real estate and personal property taxes for the tax year 2018 and all subsequent years, in accordance with Section 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, 1950, as amended, subject to the following express conditions:

1. The payment by Mid-Atlantic Broadband Communities of costs to cover advertising and administrative costs of its application for tax exemption; and

2. No exemption shall be provided to the Mid-Atlantic Broadband Communities Corporation in the event that the Mid-Atlantic Broadband Communities Corporation has or later imposes any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and

3. The continuance of this exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Sherman C. Vaughn, Chairman

Clerk

May 17, 2018
Date Adopted

Tax Exempt 2022

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 15TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-TWO AND IN THE 247TH YEAR OF THE COMMONWEALTH:

PRESENT: LYNN K. SHEKLETON, MADAM CHAIR
STEVE W. BOWEN, VICE CHAIRMAN
JOHN A. ROARK
HELEN M. SIMMONS
SHERMAN C. VAUGHN
P. S. T. COSTIN, COUNTY ADMINISTRATOR

AN ORDINANCE DESIGNATING THE REAL ESTATE OF HELPING EVERY LIFE PROSPER AS EXEMPT FROM TAXATION BY THE COUNTY OF NOTTOWAY

WHEREAS, upon application of Helping Every Life Prosper, by James Hogg, President, a public hearing of the Nottoway County Board of Supervisors was held pursuant to notice thereof published as required by law, the notice having included the assessed value of the real property owned by the said organization requesting this exemption, as well as the property taxes that would have been assessed for 2022; and,

WHEREAS, it being determined that Helping Every Life Prosper is a non-profit organization that uses certain real property located in the County of Nottoway (located at 314 South Main Street, Blackstone) for religious, charitable and benevolent purposes without discrimination; and,

WHEREAS, the Nottoway County Board of Supervisors has positively considered each item outlined in Section 58.1-3651 of the *Code of Virginia*, 1950, as amended, as it pertains to Helping Every Life Prosper;

NOW, THEREFORE, BE IT ORDAINED by the Nottoway County Board of Supervisors that the real property located at 314 South Main Street, Blackstone, is hereby exempt from real estate property taxes contingent upon the property being used by Helping Every Life Prosper for religious, charitable and benevolent purposes.

Done this 15th day of September by a vote of __5__ for and __0__ opposed.

By: Lynn K Shekleton
Lynn K. Shekleton, Madam Chair

Attest: P S T Costin
P.S.T. (Ted) Costin, Clerk

Dec 2005

PPTRA

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 15th DAY OF DECEMBER IN THE YEAR OF OUR LORD TWO THOUSAND FIVE AND IN THE 230TH YEAR OF THE COMMONWEALTH:

PRESENT: R. RAY TAYLOR, CHAIRMAN
SIDNEY E. LOCKE, VICE-CHAIRMAN
SHERMAN C. VAUGHN
CLARENCE A. SIMPSON
JACK J. GREEN
RONALD E. ROARK, COUNTY ADMINISTRATOR

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code Sections 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter citied as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County, commencing in 2006, of fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles, and provide the opportunity for the County to fashion a program of tax relief that serves the best interests of its citizenry;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors as follows:

Section 1. Purpose; Definitions; Relation to other Ordinances.

(a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code Section 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County Code, this Ordinance shall control.

Section 2. Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Board shall, as part of the annual budget adopted pursuant to Chapter 25 of Title 15.2 of the Code of Virginia, set the rate of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth. Any amount of PPTRA relief not used with the County's fiscal year shall be carried forward and used to increase the funds available for personal property tax relief in the following fiscal year.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

Section 3. Allocation of Relief among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.

(b) Relief shall be allocated in such a manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of $1,000.00 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than $1,000.00 shall be provided at a rate, annually fixed in the County budget and applied to the first $20,000.00 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The rate shall be established annually as a part of the adopted budget of the County.

Section 4. Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) shall be computed at the rate provided in the County general personal property tax ordinance from the original due date of the tax.

Adopted this 15th day of December 2005 by a unanimous board.

Chairman

Certified True Copy

ATTEST:

Clerk

Chapter 119
VEHICLES AND TRAFFIC

ARTICLE I
Driving Restrictions

§ 119-1. Restrictions applicable to persons under 21 years of age.
§ 119-2. Violations and penalties.
§ 119-3. Enforcement.

ARTICLE II
Abandoned Vehicles

§ 119-4. Removal of unattended vehicles.
§ 119-5. Removal of vehicles from privately owned property.
§ 119-6. Presumption of abandonment.
§ 119-7. Reporting of removal to Administrator; notification of owner.
§ 119-8. Payment of costs to redeem vehicle.
§ 119-9. Disposition of unclaimed vehicles.
§ 119-10. Payment of certain costs from proceeds from sale of vehicle.
§ 119-11. Deposit of proceeds; time limit for application for return of proceeds of sale.

ARTICLE III
Inoperable Vehicles

§ 119-12. Purpose; applicability; title.
§ 119-13. Definitions and word usage.
§ 119-14. Storage in fully enclosed building.
§ 119-15. Removal by county.
§ 119-16. Right of entry.
§ 119-17. Violations and penalties.

ARTICLE IV
Adoption of State Traffic Code

§ 119-18. Adoption by reference; penalty.

[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Traffic School — See Ch. 29.

Motor vehicle license tax — See Ch. 113, Art. IX.

ARTICLE I
Driving Restrictions
[Adopted 2-16-1971]

§ 119-1. Restrictions applicable to persons under 21 years of age.[1]

It shall be unlawful for any person whether licensed or not who is under the age of 21 years, to drive a motor vehicle in Nottoway County, Virginia, while the same is in use as a public

[1] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

passenger-carrying vehicle; provided, however, that any motor vehicle used as a public passenger-carrying vehicle having a capacity of not more than six passengers may be operated by a person between the ages of 18 and 21 years if such person is in lawful possession of a chauffeur's license duly issued by the Virginia Division of Motor Vehicles pursuant to § 46.2-323 of the Code of Virginia, as amended.

§ 119-2. Violations and penalties.

Any person violating the provisions of this article shall be subject to prosecution in the County Court of Nottoway County, Virginia, and may be punished by a fine of from $100 to $300 and confinement in jail for a period not to exceed 30 days, either or both such fine and confinement, pursuant to § 15.2-1429 of the Code of Virginia.

§ 119-3. Enforcement.

This article shall be enforced by proceedings brought as in the cases of misdemeanors, in the County Court of Nottoway, Virginia, in like manner and with like right of appeal.

ARTICLE II
Abandoned Vehicles
[Adopted 4-20-1982]

§ 119-4. Removal of unattended vehicles.

Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than 10 days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the County of Nottoway, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under direction of a police officer to a storage garage or area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof.

§ 119-5. Removal of vehicles from privately owned property.

The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the County of Nottoway against any loss or expense incurred by reason of removal, storage or sale thereof.

§ 119-6. Presumption of abandonment.

It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if it lacks either a current license plate or a current county, city or town plate or sticker or a

valid state inspection certificate or sticker, and it has been in a specific location for 10 days without being moved.

§ 119-7. Reporting of removal to Administrator; notification of owner.

Each removal shall be reported immediately to the office of the County Administrator, who shall give notice thereof to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

§ 119-8. Payment of costs to redeem vehicle.

The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the County of Nottoway all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer.

§ 119-9. Disposition of unclaimed vehicles.

Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown or 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 in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the County Administrator may, after holding the motor vehicle, trailer or semitrailer 40 days and after due notice of sale, dispose of the same at public sale. The proceeds from the sale shall be forwarded by the County Administrator to the Treasurer of the County of Nottoway, provided that, if the value of such motor vehicle, trailer or semitrailer is determined by three disinterested dealers or garagemen to be less than $150, it may be disposed of by private sale or junked.

§ 119-10. Payment of certain costs from proceeds from sale of vehicle.

The Treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

§ 119-11. Deposit of proceeds; time limit for application for return of proceeds of sale.

A. If no claim has been made by the owner for the proceeds of such sale, the remaining funds shall be deposited to the general fund of the County of Nottoway.

B. Any such owner shall be entitled to apply to the County of Nottoway within three years from the date of such sale and if timely application is made therefor, the County of Nottoway shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

ARTICLE III
Inoperable Vehicles
[Adopted 10-19-1989]

§ 119-12. Purpose; applicability; title.

A. The purpose of this article is to prevent the accumulation of inoperable motor vehicles or parts thereof in unapproved and inappropriate locations in Nottoway County, inasmuch as the same constitute an unsightly, obnoxious and unsanitary condition within said county. The presence of such motor vehicles increases the danger of certain communicable diseases by providing a breeding place for rats, mice and other known disease carriers, and constitutes a condition detrimental to the mental and economic well being of the citizens of said county. It is therefore deemed imperative for the preservation of health, safety, peace and the general public welfare that adequate regulations concerning inoperable motor vehicles be adopted requiring property owners, tenants, occupants or lessees to remove the same from their premises.

B. These regulations shall apply throughout Nottoway County, Virginia.

C. This article shall be known and cited by its short title: "Inoperable Auto Ordinance."

§ 119-13. Definitions and word usage.

A. Except where the construction of the article clearly indicates otherwise, words used in the present tense include the future; words in the singular include the plural, and the plural includes the singular; the word "shall" is mandatory.

B. For the purpose of this article, certain words and terms are defined as follows:

INOPERATIVE MOTOR VEHICLE — Any motor vehicle which is not in operating condition or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind, whether that person be owner, tenant, lessee or occupant of real property.

PREMISES — The real property upon which is located any inoperable motor vehicle, trailer or semitrailer.

§ 119-14. Storage in fully enclosed building.

Except where permitted by provisions of Chapter 125, Zoning, no person shall permit, place or have or aid in permitting, placing or having one or more inoperable motor vehicles, trailers or semitrailers on any property zoned for residential, commercial or agricultural purposes, except within a fully enclosed building or structure or otherwise shielded or screened from view.

§ 119-15. Removal by county.

A. In the event that the owner of the premises, after reasonable notice, has failed to remove such inoperable motor vehicles, then the county, through its own agent or employees, may remove any such inoperable motor vehicles, trailers or semitrailers.

B. After such removal, the county may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

C. The cost of such removal and disposal shall be chargeable to the owner of the vehicle or premises upon which it was located and may be collected by the county as taxes and levies are collected.

D. Every cost authorized by this section with which the owner of the property has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the county.

§ 119-16. Right of entry.

The Zoning Administrator for Nottoway County, Virginia, or his authorized representatives, or the sheriff or any deputy sheriff shall have the right to enter the property without consent of the owner or occupant, at any time during daylight hours and at such other reasonable times as maybe necessary to enforce this article, but entry into private residences is prohibited.

§ 119-17. Violations and penalties.

Failure to comply with any provisions of this article shall constitute a misdemeanor, and any person upon conviction of a violation hereof shall be fined not less than $10 or more than $250. Each and every week that a violation continues shall be deemed a separate offense.

ARTICLE IV
Adoption of State Traffic Code
[Adopted 1-20-1994]

§ 119-18. Adoption by reference; penalty.

Pursuant to the authority of § 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as amended, and in force on July 1, 1993, and as amended thereafter from time to time, except those provisions and requirements the violation of which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provisions of Title 46.2 or Article 2, Chapter 7 of Title 18.2 (§ 18.2-266 et seq.) of the

Code of Virginia which is adopted by this section. The penalty for any such violation shall be the same as that set forth in the Code of Virginia.

Chapter 125
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[HISTORY: Adopted by the Board of Supervisors of Nottoway County 3-23-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Airport zoning — See Ch. 35.
Building construction — See Ch. 45.
Campgrounds — See Ch. 52.
Soil erosion and sediment control — See Ch. 99.
Subdivision of land — See Ch. 106.

ARTICLE I
General Provisions

§ 125-1. Purpose.

A. The General Assembly of the Commonwealth of Virginia empowers the county to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and the Board of Supervisors of Nottoway County deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the county to enact such an ordinance; and the Board of Supervisors of Nottoway County appointed a Planning Commission to recommend the boundaries of the districts and appropriate regulations to be enforced therein; and the zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for Nottoway County, and for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 of the Code of Virginia, as amended. To these ends, this chapter is designed to:

(1) Provide for adequate light, air, convenience of access, safety for fire, flood and other dangers.

(2) Reduce or prevent congestion in the public streets.

(3) Facilitate the creation of a convenient, attractive and harmonious community.

(4) Expedite the provision of adequate police and fire protection, disaster, evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

(5) Protect against destruction of or encroachment upon historic areas.

(6) Protect against one or more of the following: overcrowding of land, undue densities of populations in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers (§ 15.2-2283 of the Code of Virginia, as amended).

B. The zoning regulations and districts as herein set forth have been drawn with reasonable consideration for the existing use of property; the suitability of properties for various uses; the trends of growth or change; the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies; the transportation requirements of the community and the requirements for schools, parks, playgrounds and other public services; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county (§ 15.2-2284 of the Code of Virginia, as amended).

§ 125-2. Authority.

This chapter is adopted by the County of Nottoway, Virginia, under authority granted by the General Assembly of the Commonwealth of Virginia, particularly Article 7, Chapter 22, Title 15.2, of the Code of Virginia, as amended.

§ 125-3. Definitions and word usage.

A. Interpretation of words and terms. For the purposes of this chapter, certain words or terms shall be interpreted as follows:

(1) The word "person" includes a firm, association partnership, trust, company or corporation, as well as an individual.

(2) The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.

(3) The word "shall" is mandatory; the word "may" is permissive.

(4) The words "used" or "occupied" include the words "intended," "designed" or "arranged to be used or occupied."

(5) The word "lot" includes the words "plot" or "parcel."

B. As used in this chapter, the following terms shall have the meanings indicated:

ADDITION — Any construction which increases the area or cubic content of the building or structure.

ADMINISTRATOR, ZONING — The official charged with the enforcement of this Chapter 125, Zoning. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

AGRICULTURE — The tilling of the soil, the raising of crops, horticulture, aquaculture, forestry and gardening, including the keeping of unconfined animals and fowl.

ALLEY — Passage or way open to the public or for private travel, generally affording a secondary vehicular access to abutting lots or upon which service entrances or building abut, and not intended for general traffic.

ALTERATION — Any change in the total floor area, use, adaptability or external appearance of any existing structure.

ANIMAL CONFINEMENT — The keeping or raising of livestock under cover for a total of 45 days or more in any twelve-month period. Examples of animal confinement may include but are not limited to dairies, poultry houses, swine operations and similar uses.

ANIMAL UNIT — A unit of measurement for general and intensive livestock operations. An animal unit (AU) is approximately equivalent to 1,000 pounds of live animal weight. The following scale will be used to calculate total animal units:

(1) Brood cows, slaughter cattle: each multiplied by 1.00.

(2) Feeder cattle: each multiplied by 0.50.

(3) Milking dairy cows: each multiplied by 1.40.

(4) Young dairy stock: each multiplied by 0.60.

(5) Swine over 55 pounds: each multiplied by 0.40.

(6) Swine under 55 pounds: each multiplied by 0.03.

(7) Sheep, lambs and goats: each multiplied by 0.10.

(8) Horses: each multiplied by 2.00.

(9) Turkeys: each multiplied by 0.02.

(10) Laying hens and boilers: each multiplied by 0.005.

APARTMENT HOUSE — A building used or intended to be used as the residence of three or more families living independently of each other.

APPROVED PLOT PLAN — A plat of an entire parcel of land with the location of all existing and proposed structures signed by the land owner certifying that the structures meet all applicable setback requirements of this chapter and showing the direction and distances to adjoining property owners, nearest residences and churches and public use areas, including commercial enterprises.

AUTOMOBILE GRAVEYARD — Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

AUTOMOBILE SERVICE STATION — An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery to motor vehicles of motor fuel, lubricating oil and minor accessories for such vehicles and the sale of cigarettes, candy, soft drinks and other related items for the convenience of the motoring public, which establishment may or may not include facilities for lubricating, washing, minor repairs or otherwise servicing motor vehicles, but not including auto work, welding, painting or major repair work.

BASEMENT — A story partly underground and having at least ½ of its floor to ceiling height above the average grade of the adjoining ground.

BOARDINGHOUSE — A dwelling used for the purpose of providing lodging or meals or both to persons other than the family occupying the dwelling.

BUILDING — Any structure, except a tent or travel trailer, motor home or camper, having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals or property of any kind.[1]

BUILDING AREA — The portion of lot remaining after required yards have been provided.

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1 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

BUILDING, HEIGHT OF — The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

BUILDING, PRINCIPAL — The main building on a lot in which the principal functions of the lot are conducted.

BUILDING, USE OR STRUCTURE, ACCESSORY — A building, use or structure, including satellite receptors or dishes, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

CELLAR — A story entirely or partly underground, with at least ½ of its floor-to-ceiling height below the average grade of the adjoining ground.

CHILD-CARE CENTER — Any place, however designated, operated for the purpose of providing care, protection and guidance to four or more children under seven years of age separated from their parents or guardians during a part of the day only between the hours of 6:00 a.m. and 7:00 p.m.

COMMISSION, THE — The Planning Commission of Nottoway County, Virginia.

CONDITIONAL ZONING — A zoning reclassification allowed subject to conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned as set forth in § 15.2-2286 of the Code of Virginia, as amended.

COUNTY — The County of Nottoway, Virginia.

DAIRY — A commercial establishment for the manufacture and sale of dairy products.

DEVELOPMENT PLAN — A plan outlining projected business expansion, including existing and proposed structures, their design, use and location, to serve as a nonbinding guide to future growth.

DWELLING — Any structure which is designed for use for residential purposes, except hotels, boardinghouses, tourist cabins, apartments and automobile trailers.

DWELLING, DUPLEX — A dwelling with not more than two units, designed for two families living independently.

DWELLING, MULTIFAMILY — A building designed for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY — A detached dwelling designed for occupancy by a single family.

DWELLING UNIT — One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FAMILY — One or more persons occupying a single dwelling unit, provided that, unless all members are related by blood or marriage, no such family shall contain more than five persons.

FRONTAGE — The width of a lot measured from one side line to the other along a line on the street right-of-way upon which it fronts or the minimum width of a lot measured from one side line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

GARAGE, PRIVATE — An accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building in which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units.

GARAGE, PUBLIC — A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

HISTORIC AREA — As indicated on the Zoning Map to which the provisions of this chapter apply for protection of an historical heritage.

HOME OCCUPATION — An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities, as well as professional offices, such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.

HOSPITAL — Includes sanitarium, preventorium, clinic or rest home and is deemed to mean a place for the treatment of human disorders and ailments; an institution providing health services for inpatient medical or surgical care, care of the sick or injured and related laboratories, offices and outpatient facilities and services.

HOTEL — A building having six or more rental rooms, without cooking facilities, designated for transient guests.

JUNKYARD — The use of more than 200 square feet of the area of any lot or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of 100 feet) which half adjoins any street for storage, keeping or abandonment or junk, including scrap metals or other scrap material or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The term "junkyard" shall include automobile graveyard as defined above but shall not include any of the things recited which are incidental and accessory to any agricultural use permitted in the district.

KENNEL — A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

LIVESTOCK MARKET — A commercial establishment wherein livestock is collected for sale and auctioned off.

LIVESTOCK OPERATION, GENERAL — Any animal confinement consisting of a total of 15 to 350 animal units. A nutrient management plan is required as well as a description of the animal waste disposal systems to be used.

LIVESTOCK OPERATION, INTENSIVE — Any animal confinement consisting of a total of 351 or more animal units. A nutrient management plan is required as well as a description of the animal waste disposal systems to be used. An approved plot plan is required to be on file with the County Zoning Administrator. A development plan submitted to the Zoning Administrator is recommended.

LOT — A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and shall be also subject to the following definitions:

(1) CORNER LOT — A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) DEPTH OF LOT — The average horizontal distance between the front and rear lot lines.

(3) INTERIOR LOT — Any lot other than a corner lot.

(4) WIDTH OF LOT — The average horizontal distance between side lot lines.

LOT OF RECORD — A lot which has been recorded in the Clerk's office of the Circuit Court.

MANUFACTURE and/or MANUFACTURING — The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of a different character or for use for a different purpose.

MOBILE HOME — An industrialized building unit constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling.

MOBILE HOME PARK — Any parcel of land containing two or more spaces intended to accommodate nontransient mobile homes, where the individual spaces (lots) are rented.

MOBILE HOME STORAGE UNIT (MHSU) — A mobile home that has been converted from a residential use structure to an accessory-type structure. A MHSU is prohibited from being used as a temporary or permanent habitation. **[Added 4-18-1996]**

MOBILE HOME SUBDIVISION — Any parcel of land containing two or more spaces intended to accommodate nontransient mobile homes, where the individual spaces (lots) may be purchased.

MOTEL or MOTOR HOTEL — A structure or structures with overnight accommodations for automobile travelers, with separate sleeping units, each with separate entrance, separate toilet facilities and off-street parking.

NONCONFORMING ACTIVITY OR USE — The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING LOT — An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING STRUCTURE — An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NUTRIENT MANAGEMENT PLAN — A plan which provides an outline for the safe disposal or use of all manure or animal waste. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate agencies. Alternate methods of disposal may be used as approved by appropriate state and local agencies. The nutrient management plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs and sinkholes and slopes and geological formations that indicate a high susceptibility to ground- or surface water pollution. Each nutrient management plan shall be subject to review by an agent of the Virginia Cooperative Extension Service or other appropriate agency and shall be approved by the County Zoning Administrator. The nutrient management plan shall be reviewed and updated every five years by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the County Zoning Administrator. Changes in management practices or when deemed necessary by the Virginia Cooperative Extension Service, other appropriate agency or the county may require more frequent review. Existing intensive livestock operations as defined in this chapter shall have two years from the effective date of this chapter to supply an approved nutrient management plan to be held on file with the County Zoning Administrator.

PARKING AREA, OFF-STREET — Space provided for vehicular parking outside the dedicated street right-of-way.

PROFESSIONAL OFFICE — An office for the conduct of a profession, including but not limited to law, medicine, theology, architecture, accounting.

PUBLIC BUILDINGS — A building owned or leased and occupied and used by an agency or political subdivision of the United States of America or the Commonwealth of Virginia.

PUBLIC WATER AND SEWER SYSTEMS — A water or sewer system owned and operated by a municipality or county.

REQUIRED OPEN SPACE — Any space required in any front, side or rear yard.

RESTAURANT — Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops or refreshment stands.

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: drugstore, 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 and beauty and barbershop.

SETBACK — The minimum distance by which any building or structure must be separated from the front line, street center line or street right-of-way, whichever may be required.

SETBACK LINE — A line parallel to a street and extending the fun width of the lot for a specified distance at all points from the front lot line, street center line or street right-of-way line, and thus defining an area in which no building or structures or portions thereof may be constructed.

STORY — That portion of a building other than the basement included between the surface of any floor and the surface of the floor next above it; if there be no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF — A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than 2/3 of the floor area is finished off for use.

STREET — A strip of land comprising the entire area with the right-of-way intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes road, thoroughfare, parkway, avenue, lane, boulevard, expressway, highway, place, throughway, square, alley or wherever designated within the above mentioned right-of-way.

STREET LINE — The right-of-way line of a street.

STRUCTURE — Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc. Fences are not considered to be structures in this chapter.

STRUCTURES, GENERAL LIVESTOCK OPERATION — Any structure designed to house, contain or store livestock, livestock feeds or livestock wastes on a general livestock operation.

STRUCTURES, INTENSIVE LIVESTOCK OPERATION — Any structure designed to house, contain or store livestock, livestock feeds or livestock wastes on an intensive livestock operation.

TRAILER LOT — The unit of land used or intended to be used by one trailer, whether in a mobile home park or not in a mobile home park.[2]

TRAVEL TRAILER, MOTOR HOME OR CAMPER — A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath or shower facilities, designed to be used for temporary human habitation, for travel, recreational and vacational

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[2] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

uses. Use of these vehicles as permanent dwelling units is expressly prohibited by this chapter.

VARIANCE — In the application of this chapter, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or in the size, area, bulk or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

WAYSIDE STAND — Any structure or land used for the sale of agricultural, aquacultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

YARD — An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(1) FRONT YARD — An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

(2) REAR YARD — An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

(3) SIDE YARD — An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot and extending from the front yard line to the rear yard line.

§ 125-4. Official Zoning Maps.

A. The county is hereby divided into zones, or districts, as shown on the Official Zoning Maps, which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this chapter.

B. The Official Zoning Maps shall be comprised of a complete set of official Nottoway County Tax Maps, color coded to reflect the zoning classification of each and every parcel of land in Nottoway County.

C. The Official Zoning Maps shall be identified by the signature of the Chairman of the Board of Supervisors attested by the Clerk under the following words: "This is to certify that these are the Official Zoning Maps referred to in Article I of Chapter 125, Zoning, (the Zoning Ordinance) of the Code of Nottoway County, Virginia," together with date of adoption of this chapter.[3]

D. If in accordance with the provisions of this chapter and §§ 15.2-2285 to 15.2-2307 of the Code of Virginia, as amended, changes are made in district boundaries or other matter

[3] **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

portrayed on the Official Zoning Maps, such changes shall be entered on the Official Zoning Maps promptly after the amendment has been approved by the Board of Supervisors with an entry on the Official Zoning Maps as follows: "On, (date), the official action of the Board of Supervisors, the following change(s) were made in the Official Zoning Maps: (Brief description of nature or change)," which entry shall be signed and attested by the Zoning Administrator. No amendment of this chapter which involves matter portrayed on the Official Zoning Maps shall become effective until after such change has been made on said maps.

E. No changes of any nature shall be made in the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided in Article XIX.

F. Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the county.

§ 125-5. Replacement of Official Zoning Maps.

A. In the event that the Official Zoning Maps become damaged, lost or difficult to interpret because of the nature or number of changes and additions, the Board may by resolution adopt new Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps or any subsequent amendment thereof. The new Official Zoning Maps shall be identified by the signature of the Chairman of the Board attested by the Clerk under the following words: "This is to certify that these Official Zoning Maps supersede and replace the Official Zoning Maps adopted (date of adoption of maps being replaced) as part of the Zoning Ordinance of Nottoway County, Virginia."

B. Unless the prior Official Zoning Maps have been lost or have been totally destroyed, the prior maps, or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE II
Districts and Boundaries

§ 125-6. Zoning districts.

For the purpose of this chapter, Nottoway County is divided into the following zoning districts:

Agricultural	A-1
Conservation	C-1
Residential	R-1
Business	B-1

Limited Business	B-2
Industrial	M-1
Historic	H
Floodplain	FP

§ 125-7. District boundaries.

The boundaries of these districts are hereby established as shown on the Official Zoning Maps of Nottoway County, on file in the office of the Zoning Administrator.

§ 125-8. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any district as shown on the Official Zoning Maps, the following rules shall apply:

A. Boundaries, wherever possible, are deemed to follow the center lines of highways, streets, alleys, railroad lines, streams and rivers or plotted lot lines and town limits.

B. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of said map.

C. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered above, the Zoning Administrator shall interpret the district boundaries.

§ 125-9. Application of district regulations.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.

C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

ARTICLE III
Agricultural District (A-1)

§ 125-10. Intent.

The Agricultural District is established to provide areas for agricultural and silvicultural interests which represent a major portion of Nottoway County's economic base. The intent of this district is to provide and protect agricultural and silvicultural areas from the encroachment of uses which are not compatible with them. The district provides areas for large-scale, intensive livestock operations with surroundings that will not inhibit the activities associated with their operation. Residential development is not encouraged in this district. This corresponds with land use goals as outlined in the Nottoway County Comprehensive Plan concerning future land use.

§ 125-11. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. Agricultural and accessory uses.

B. General and intensive livestock operations.

C. Horse training and boarding facilities.

D. Vineyards.

E. Commercial fish production.

F. Orchards and fruit storage structures.

G. Wildlife refuges, preserves and conservation areas.

H. Schools, churches, parks and playgrounds.

I. Home occupations.

J. Single-family dwellings.

K. Accessory buildings.

L. Mobile home storage units on lots equal to or greater than two acres. **[Added 4-18-1996]**

§ 125-12. Uses permitted by special exception.

The following uses may be permitted by the governing body by special exception permit:

A. Airports.

B. Commercial sawmills and planing mills.

C. Cemeteries.

D. Light commercial uses.

E. General advertising signs.

F. Lodges, civic organizations, hunting and boating clubs and camping or similar recreational facilities.[4]

G. Processing plants for agricultural and forestry products, such as wineries, fruit processing facilities and fish processing facilities.

H. Commercial livestock markets, show rings and similar uses.

I. Commercial hunting preserves and shooting ranges.

J. Horse racing facilities.

K. Microwave relay antennas.

L. Mobile home storage units on lots less than 2 acres. **[Added 4-18-1996]**

M. Homes for the aged, nursing homes. **[Added 6-20-1996]**

N. Child-care centers. **[Added 11-20-1997]**

§ 125-13. Required yards.

The following minimum requirements for yards are established:

A. For all permitted uses with the exception of general and intensive livestock operation structures:

(1) Front (setback): 125 feet from the center of the road.

(2) Side:

(a) Main structure: 50 feet.

(b) Accessory: 10 feet.

(3) Rear:

(a) Main structure: 70 feet.

(b) Accessory: 10 feet.

B. General and intensive swine operation structures:

(1) Front (setback), general and intensive: 500 feet from the center of primary roads and from the center of secondary roads.

(2) Side, general and intensive: 800 feet.

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4 **Editor's Note: Former Subsection 7, mobile homes, was deleted by an act of the General Assembly, 7-1-1995.**

(3) Rear, general and intensive: 800 feet.

(4) Existing residences, except those of the landowner and immediate family, churches, schools or other occupied structures, general and intensive: 1,500 feet.

C. Other general and intensive livestock operation structures:

(1) Front (setback), general and intensive: 500 feet from the center of primary roads; 250 feet from the center of secondary roads.

(2) Side, general and intensive: 250 feet.

(3) Rear, general and intensive: 250 feet.

(4) Existing residences, except those of the landowner and immediate family, churches, schools or other occupied structures, general and intensive: 1,000 feet. Setbacks specified in this subsection may be reduced to a minimum of 200 feet by mutual consent of the intensive livestock operator and the affected adjacent landowners. Consent shall be evidenced by written, formal agreement with the following components:

(a) Referencing both parcels by deed book reference.

(b) Signed by all affected parties.

(c) Notarized.

(d) Recorded in the office of the Clerk of the Circuit Court, with a copy provided to the Zoning Administrator at the time of recordation and prior to application for a zoning permit.

§ 125-14. Required frontage.

The minimum frontage for permitted uses shall be:

A. At the street line: 75 feet.

B. At the setback line: 200 feet.

§ 125-15. Required area.

The minimum area for a permitted uses, with the exception of general livestock/poultry operations and intensive livestock/poultry operations, shall be five acres for all permitted uses except following:

A. General livestock operations: subject to nutrient management plan.

B. Intensive livestock operations: subject to nutrient management plan.

§ 125-16. Building height.

The height of structures in this district shall be as follows:

A. General: maximum of 35 feet.

B. Public building: maximum of 60 feet, provided that front, side and rear yard requirements increase three feet for each increase of one foot in height over 35 feet.

C. Exemptions: church spires, silos, barns, water towers, chimneys, flagpoles, television and radio antennas.

D. Accessory buildings: less than the main structure and no more than one story if within 30 feet of the lot line.

§ 125-17. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact. Production agriculture and forestry are exempted.

§ 125-18. Buffer zones.

Buffer zones may be required if the Nottoway County Planning Commission deems it necessary to protect public safety, public welfare or to preserve the intent of this district. These buffer zones may include but are not limited to various types of screens, vegetative plantings or greater setbacks.

§ 125-19. Exemptions.

A. Livestock producers that, on January 1, 1995, could be defined as intensive livestock operations by the definition included in this chapter will be exempted from the required yards as described in § 125-13C(4) for a period of three years after the enactment of this chapter.

B. During this three-year period, livestock producers that, on January 1, 1995, could be defined as intensive livestock operations by the definition included in this chapter must meet the required yards requirements described in this chapter in § 125-13A(1), (2) and (3).

C. After the three-year period has expired, livestock producers that, on January 1, 1995, could be defined as an intensive livestock operation by the definition included in this chapter will be required to meet the required yards as described in § 125-13C(4) for new construction of intensive livestock operation structures.

D. Other permitted uses must comply with the required yards as described in this chapter in § 125-13 upon enactment of this chapter.

ARTICLE IV
Conservation District (C-1)

§ 125-20. Intent.

The Conservation District covers the unincorporated portions of the county which are occupied by open spaces with a rural character. This district is established to conserve these open spaces in order to facilitate existing and future general farming operations, conservation of water and forest resources and maintenance of a distinctly rural environment. Residential development should conform to the notion that it possess lesser priority than the maintenance of the district's rural environment.

§ 125-21. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. Agriculture and accessory uses.

B. Single-family dwellings.

C. Schools, churches, parks and playgrounds.

D. Golf courses.

E. Hospitals.

F. Home occupations.

G. Radio and television stations.

H. Preserves and conservation areas.

I. Accessory structures.

J. Mobile home storage units on lots equal to or greater than two acres. **[Added 4-18-1996]**

§ 125-22. Uses permitted by special exception.

The following uses may be permitted by the governing body by special exception permit:

A. Airports.

B. Commercial sawmills and planing mills.

C. Cemeteries.

D. Light commercial uses.

E. General advertising signs.

F. Lodges, civic organizations, hunting and boating clubs and camping or similar recreational facilities.[5]

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[5] **Editor's Note: Former Subsection 7, mobile homes, was deleted by an act of the General Assembly, 7-1-1995.**

G. Motels.

H. Restaurants.

I. Child-care centers.

J. Microwave relay antennas.

K. General livestock operations with recommendations from the Nottoway County Planning Commission.

L. Intensive livestock operations with the recommendations from the Nottoway County Planning Commission.

M. Mobile home storage units on lots less than two acres. **[Added 4-18-1996]**

§ 125-23. Required yards.

The following minimum requirements for yards are established for all permitted uses:

A. Front (setback): 125 feet from the center of the road.

B. Side:

(1) Main structure: 50 feet.

(2) Accessory: 10 feet.

C. Rear:

(1) Main structure: 70 feet.

(2) Accessory: 10 feet.

§ 125-24. Required frontage.

The minimum frontage for permitted uses shall be:

A. At the street line: 75 feet.

B. At the setback line: 200 feet.

§ 125-25. Required area.

The minimum area for all permitted uses shall be two acres.

§ 125-26. Building height.

The height of structures in this district shall be as follows:

A. General: maximum height of 35 feet.

B. Public building: maximum of 60 feet, provided that front, side and rear yard requirements increase three feet for each increase of one foot in height over 35 feet.

C. Exemptions: church spires, silos, barns, water towers, chimneys, flagpoles, television and radio antennas.

D. Accessory buildings: less than the main structure and no more than one story if within 30 feet of a lot line.

§ 125-27. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

§ 125-28. Buffer zones.

Buffer zones may be required if the Nottoway County Planning Commission deems it necessary to protect public safety, public welfare or to preserve the intent of this district. These buffer zones may include but are not limited to various types of screens, vegetative plantings or greater setbacks.

ARTICLE V
Residential District (R-1)

§ 125-29. Intent.

The Residential District is established to provide low-density residential development. District regulations are designed to promote and encourage a suitable environment for family life.

§ 125-30. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. Single-family and duplex dwellings.

B. Schools, churches, parks and playgrounds.

C. Home occupations.

D. Accessory buildings.

E. Professional offices.

F. Public uses.

§ 125-31. Uses permitted by special exception.

The following uses may be permitted by the governing body by special exception permit:

A. Multifamily dwellings.

B. Rooming houses, boardinghouses and tourist homes.

C. Mobile homes, mobile home parks and mobile home subdivisions.

D. Child-care centers.

E. Microwave relay antennas.

F. Mobile home storage units **[Added 4-18-1996]**

G. Retail sale/lease of durable medical supplies and equipment located on five acres of land. **[Added 5-21-1998]**

§ 125-32. Required yards.

The following minimum requirements for yards are established:

A. Front (setback): 75 feet from the street line of any street right-of-way 50 feet or greater in width and 100 feet from the street line of any street of lesser width.

B. Side:

(1) Main structure: 15 feet.

(2) Accessory: 5 feet.

C. Rear:

(1) Main structure: 35 feet.

(2) Accessory: 5 feet.

§ 125-33. Required frontage.

The minimum frontage for permitted uses shall be:

A. At the street line: 100 feet.

B. At the setback line: 100 feet.

§ 125-34. Required area.

The minimum area for permitted uses shall be 20,000 square feet if both public water and sewerage disposal are available and 40,000 square feet if either one or both are not available.

§ 125-35. Building height.

The height of structure in this district shall be as follows:

A. General: maximum of 35 feet.

B. Public building: maximum of 60 feet, provided that front, side and rear yard requirements increase three feet for each increase of one foot in height over 35 feet.

C. Exemptions: church spires, water towers, chimneys, flagpoles, television and radio antennas.

D. Accessory buildings: less than the main structure and no more than one story if within 30 feet of a lot line.

§ 125-36. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

ARTICLE VI
Business District (B-1)

§ 125-37. Intent.

Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant and heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, public garages and service stations. In addition, the manufacture, compounding, processing or treatment of products is prohibited in this district unless it is clearly incidental and essential to a use permitted by right and unless all such products are customarily sold at retail on the premises. In addition, this district is designed to exclude manufacturing, compounding, processing or treatment of products and operations which are objectionable because of odor, dust, smoke, noise, vibration or other similar nuisances.

§ 125-38. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. Retail stores and shops.

B. Bakeries.

C. Dry cleaners.

D. Laundries.

E. Wearing apparel stores.

F. Drugstores.

G. Barber- and beauty shops.

H. Auto and home appliance services.

I. Theaters, assembly halls.

J. Office buildings.

K. Churches.

L. Libraries.

M. Hotels, motels and restaurants.

N. Service stations (with major repair under cover).

O. Clubs, lodges.

P. Auto sales and service.

Q. Lumber, building, fencing and landscaping supplies and equipment (with storage under cover).

R. Plumbing and electrical supply (with storage under cover).

S. Machinery sales and service.

T. Banks and money lending institutions.

U. Dancing schools, dancing studios.

§ 125-39. Uses permitted by special exception.

The following uses may be permitted by the governing body by special exception permit:

A. Hotels, motels.

B. Hospitals, general and maternity.

C. Wholesale and processing not objectionable because of dust, noise or odors.

D. Public billiard parlors, poolrooms, bowling alleys, dance halls and similar forms of public amusement.

E. Public utility transmission substations, transmission lines and towers, other than normal distribution facilities, pipes, meters and water and sewerage facilities.

F. Outdoor theaters.

G. Gas transmission lines, compressor stations, measurement stations, regulator stations.

H. Child-care centers.

I. Homes for the aged, nursing homes.

J. Mobile home sales lots.

K. Travel trailer, motor home and camper sales lots.

L. Mini warehouses.

M. Wholesale warehouses.

N. Reconstruction of single-family dwellings.

§ 125-40. Required yards.

The following requirements for yards are established:

A. Front (setback): Structures shall be located 30 feet or more from the line of any street right-of-way 50 feet in width or more and 60 feet or more from the center line of any street of less than 50 feet in width.

B. Side and rear: 10 feet for any lot adjoining an Agricultural, Conservation or Business District.

§ 125-41. Required frontage.

Required frontage shall be: none.

§ 125-42. Required area.

There shall be no area requirements, except for permitted uses utilizing individual sewerage systems, the required area for any such use shall be approved by the Health Official. The administration may require a greater area if considered necessary by the Health Official.

§ 125-43. Building height.

Buildings may be erected up to 35 feet in height from grade, except that:

A. A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

B. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

C. No accessory structure which is within 10 feet of any party lot line shall be more than one story high. All accessory structures shall be less than the main structure in height.

§ 125-44. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

ARTICLE VII
Limited Business District (B-2)

§ 125-45. Intent.

The primary purpose of this district is to establish and protect a business district that will serve the surrounding residential districts. Traffic and parking congestion is to be held to a minimum to protect and preserve property values in the surrounding residential districts, and, insofar as possible, all neighborhood business development shall take place in a Limited Business District. This district shall only include such activities as are necessary for the day-to-day operations of a normal household. In most instances, these areas are not located on major traffic arteries.

§ 125-46. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. Retail food stores.

B. Bakeries.

C. Dry cleaners and laundries.

D. Wearing apparel stores.

E. Drugstores.

F. Barber- and beauty shops.

G. Office buildings.

H. Churches and libraries.

I. General hospitals.

J. Clubs and lodges.

§ 125-47. Required yards.

The following requirements for yards are established:

A. Front (setback): Structures shall be located 30 feet or more from the line of any street right-of-way 50 feet in width or more and 60 feet or more from the center line of any street of less than 50 feet in width.

B. Side and rear: 10 feet for any lot adjoining an Agricultural, Conservation or Business District.

§ 125-48. Required frontage.

The minimum frontage for permitted uses shall be 30 feet at the street line.

§ 125-49. Required area.

There shall be no area requirements, except for permitted uses utilizing individual sewerage systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

§ 125-50. Building height.

Buildings may be erected up to 35 feet in height from grade, except that a public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

§ 125-51. Findings of adverse impact.

Should review of any proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

ARTICLE VIII
Industrial District (M-1)

§ 125-52. Intent.

The Industrial District is established to provide areas in which the principal use of land and buildings is for heavy and light industry, assembly plants, processing, quarrying, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses be conducted so that noise, odor, dust and glare of each operation is generally confined within the boundary of the Industrial District.

§ 125-53. Permitted uses.

Land, buildings and structures in this district shall be used only for the following purposes:

A. The production of:

(1) Art goods.

(2) Cameras, clocks, watches.

(3) Clothing and apparel.

(4) Dental, drafting, musical or other precision instruments.

(5) Millinery and needlework.

(6) Toys.

B. Book binding.

C. Bottling or packaging works.

D. Creamery.

E. Drug manufacturing.

F. Electrical appliances and equipment assembly.

G. Electronic equipment manufacturing and assembly.

H. Engraving and/or printing plant.

I. Furniture manufacturing.

J. Laundry and cleaning establishments.

K. Leather goods fabrication.

L. Motor and engine assembly.

M. Optical goods manufacturing.

N. Paper products manufacturing.

O. Public utility service yard or electrical receiving or transforming station.

P. Sporting goods manufacturing.

Q. Manufacturing, processing and packaging of baked goods, candy and food products.

R. Wholesale or warehousing enterprise.

S. Offices which are directly related to the use carried out or the processes or other manufacturing use.

T. Building, structures and uses accessory to any of these enumerated herein.

U. Crushed stone operation to include but not limited to quarrying, crushing, processing, treating, washing and selling of stone.

V. Asphalt mixing, ready mix concrete, concrete block, concrete product plants and any other such plants when accessory to a crushed stone operation.

§ 125-54. Uses permitted by special exception.

The following uses may be permitted by the governing body by special exception permit:

A. Bulk storage of oil, gasoline or other combustibles.

B. Junk-, scrap or salvage yards of any kind, including automobile.

C. Governmental structures and use.

§ 125-55. Required yards.

The following requirements for yards are established:

A. Front (setback): 50 feet from the street right-of-way line.

B. Side and rear yards: 300 feet for lots adjacent to or adjoining Residential, Conservation or Agricultural Districts.

§ 125-56. Required frontage.

The minimum frontage for permitted uses shall be 30 feet at the street line.

§ 125-57. Required area.

There shall be no area requirements, except for permitted uses utilizing individual sewerage systems, the required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

§ 125-58. Building height.

Buildings may be erected up to 35 feet in height from grade, except that buildings over 35 feet in height may be erected by special exception permit.

§ 125-59. Building coverage.

Buildings or groups of buildings with their accessory structures may not cover more than 70% of the area of a lot.

§ 125-60. Findings of adverse impact.

Should review of an proposal submitted for this district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based on findings of adverse impact.

ARTICLE IX
Historic Districts (H)

§ 125-61. Intent.

Historic Districts are designed to protect historic landmarks, areas and buildings or structures having an important historical, architectural or cultural interest.

§ 125-62. Designation.

Historic Districts shall be designated by the Board of Supervisors around and including the site of the specified landmark, building or structure and shall be overlays to the Official Zoning Maps.

§ 125-63. Approval by Architectural Review Board.

No building or structure, including signs, shall be erected, reconstructed, altered or restored within any such Historic District unless the same is approved by the Architectural Review Board or, on appeal, by the Board of such county or municipality as being architecturally compatible with the historic landmarks, buildings or structures therein.

§ 125-64. Demolition.

No historic landmark, building or structure within any such Historic District shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the Architectural Review Board or, on appeal, by the Board after consultation with such Architectural Review Board.

§ 125-65. Establishment of Architectural Review Board.

There is hereby established an Architectural Review Board which shall have the power to administer this article of this Chapter 125, Zoning. The Board shall consist of not less than three nor more than five members, each of whom shall be appointed by the Board of Supervisors to serve a period of one year. Members shall be eligible to serve successive terms.

§ 125-66. Permits and appeals.

The owner of any such landmark, building or structure and the owner of any real property who petitions the Architectural Review Board pursuant to §§ 125-63 and 125-64 herein shall have the right to appeal an adverse decision of the Board of Supervisors to the Circuit Court for Nottoway County, by filing a petition with such Court setting forth the alleged illegality of the Board's actions within 30 days after a final decision is rendered by the Board. The filing of the petition shall stay the decision of the Board pending the outcome of such appeal to the Court, except that such filing shall not stay any decision of the Board denying the right to raze or demolish an historic landmark, building or structure.

§ 125-67. Sale to county.

A. In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure, provided that:

(1) He has applied to the Board for such right;

(2) The owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to such county or municipality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule thereinafter contained.

B. Any appeal which may be taken to the court from the decision of the Board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Board, but thereafter the owner may renew his request to the Board to approve the razing or demolition of the historic landmark, building or structure.

C. The time schedule for offers to sell shall be as follows:

(1) Three months when the offering price is less than $25,000.

(2) Four months when the offering price is $25,000 or more but less than $40,000.

(3) Five months when the offering price is $40,000 or more but less than $55,000.

(4) Six months when the offering price is $55,000 or more but less than $75,000.

(5) Seven months when the offering price is $75,000 or more but less than $90,000.

(6) Twelve months when the offering price is $90,000 or more.

ARTICLE X
Floodplain District (FP)
[Added 11-21-1996]

§ 125-68. Purpose.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary

and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.

B. Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.

C. Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage.

D. Protecting individuals for buying land and structures which are unsuited for intended purposes because of flood hazards.

§ 125-69. Applicability.

These provisions shall apply to all lands within the jurisdiction of Nottoway County and identified as being in the one-hundred-year floodplain by the Federal Insurance Administration.

§ 125-70. Compliance and liability.

A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered, except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

B. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

C. This article shall not create liability on the part of Nottoway or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 125-71. Abrogation and greater restrictions.

This article supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinances shall remain in full force an effect to the extent that its provisions are more restrictive than this article.

§ 125-72. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BASE FLOOD ELEVATION (BFE) — The Federal Emergency Management Agency designated one-hundred-year water surface elevation.

BASE FLOOD/ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BOARD OF ZONING APPEALS — The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this chapter.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

FLOODPLAIN — Any land area susceptible to being inundated by water from any source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more that a designated height.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement).

RECREATIONAL VEHICLE — A vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of an historic structure" provided that the alteration will not preclude the structure's continued designation as an historic structure.

§ 125-73. Description of district.

A. Basis of district.

(1) The Floodplain District shall include areas subject to inundation by waters of the one-hundred-year flood. The basis for the Approximated Floodplain District shall be the Flood Insurance Rate Map/Flood Hazard Boundary Map prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated 9/1/1987, as amended.

(2) The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided but where a one-hundred-year floodplain boundary has been approximated. Such areas are shown as Zone A on the Flood Insurance Rate Map/Flood Hazard Boundary Map. For these areas, the one-hundred-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific one-hundred-year flood elevation cannot be determined for this area using other sources of data, such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County of Nottoway.

B. Overlay concept.

(1) The Floodplain District described above shall be overlays to the existing underlying area as shown on the Official Zoning Map, and, as such, the provisions for the Floodplain District shall serve as a supplement to the underlying district provisions.

(2) Any conflict between the provisions or requirements of the Floodplain District and those of any underlying district, the more restrictive provisions and/or those pertaining to the Floodplain District shall apply.

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

§ 125-74. Boundaries on Flood Insurance Rate Map.

The boundaries of the Floodplain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this chapter and which shall be kept on file at the County Administrator's Office, Nottoway Courthouse, Virginia.

§ 125-75. District boundary changes.

The delineation of any of the Floodplain District may be revised by the Nottoway County Board of Supervisors, where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

§ 125-76. Interpretation of district boundaries.

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

§ 125-77. General provisions.

A. Permit requirement. All uses, activities and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code[6] and Chapter 106, Subdivision of Land. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch or any other drainage facility or system.

B. Alteration or relocation of watercourse. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the United States Army Corps of Engineers, the Virginia Department of Environmental Quality and the Virginia Marine Resources Commission. (A joint permit application is available from any of these organizations.) Further notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation) and the Federal Insurance Administration.

C. Drainage facilities. Storm drainage facilities shall be designated to convey the flow of stormwater runoff in a safe efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Site plans and permit applications. All applications for development in the Floodplain District and all building permits issued for the floodplain shall incorporate the following information:

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6 **Editor's Note: See Ch. 45, Building Construction.**

(1) For structures to be elevated, the elevation of the lowest floor (including basement).

(2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

(3) The elevation of the one-hundred-year flood.

(4) Topographic information showing existing and proposed ground elevations.

E. Recreational vehicles.

(1) Recreational vehicles placed on sites shall either:

(a) Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or

(b) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes.[7]

(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

§ 125-78. Approximated Floodplain District.

A. In the Approximated Floodplain District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one-hundred-year flood elevation more than one foot at any one point. The engineering principle of equal reduction of conveyance shall be used to make the determination of increased flood heights.

B. Within the floodway area delineated by the applicant, no development shall be permitted that will cause any increase in the one-hundred-year flood elevation.

§ 125-79. Variances.

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

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or

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7 **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

activity within any Floodway District that will cause any increase in the one-hundred-year flood elevation.

(2) The danger that materials may be swept on to other lands of downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(13) Such other factors which are relevant to the purpose of this article.

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

C. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from any hardship to the applicant.

D. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one-hundred-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.

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

§ 125-80. Existing structures in Floodplain Districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with the provisions, may be continued subject to the following conditions:

A. Existing structures in the Floodplain District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one-hundred-year flood elevation.

B. Any modifications, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50% of its market value, elevation and/or floodproofing should be considered to the greatest extent possible.

C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with the provisions of this chapter and the Virginia Uniform Statewide Building Code.

ARTICLE XI
Provisions Applicable to All Districts

§ 125-81. Schedule of fees.

The governing body shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of zoning compliance, applications, appeals and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Administrator and may be altered or amended only by the governing body. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

§ 125-82. Uses not provided for; Planning Commission recommendations.

If in any district established under this chapter a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission. The Planning Commission shall make its recommendations to the governing body within 60 days as to whether to amend this chapter to allow the unrestricted use in that district, to amend this chapter to allow the use with special exception permit, to amend this chapter by rezoning the district and thereby allow the use or to deny the use in that district. The Planning Commission may hold a separate public hearing or a joint public hearing, as provided by law, with the governing body. If after 60 days no public

hearing has been set or no recommendation has been made, the governing body may assume that the Planning Commission concurs with the applicant.

§ 125-83. Multiple structures.

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

§ 125-84. Adequate access required.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

§ 125-85. Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, safety, morals or general welfare.

§ 125-86. Conflict with other rules.

Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants and plans, the most restrictive or that which imposes the higher standards shall govern.

ARTICLE XII
Parking Requirements

§ 125-87. Major recreational equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches, (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.

§ 125-88. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged or structurally altered and converted to another use, adequate minimum off-street parking spaces as follows:

Use	Number of Spaces
Dwellings:	
One-family	1 per dwelling unit
Two-family	1.5 per dwelling unit
Multifamily	2 per dwelling unit
Mobile homes in mobile home parks	2 per dwelling unit
Mobile homes on lots in subdivisions or in agricultural zoned areas	1 per dwelling unit
Tourist court, motel, motor hotel, motor lodge or hotel	1 per employee, plus 1 per sleeping room or suite
Rooming, boarding or lodging house	1 per sleeping room
Theaters, churches, auditoriums and other places of public assembly with fixed seats	1 per 4 seats or bench seating spaces (seats in main auditorium)
Hospital	1 per patient bed
Sanitarium, convalescent home, home for the aged or similar institution	1 per 3 patient beds
Funeral home	1 per 50 square feet of floor areas excluding storage and work areas
Medical offices or clinics	1 per 200 square feet floor area; 3 spaces minimum
Office or office building	1 per 400 square feet of floor area; 3 spaces minimum
Restaurants	1 per 100 square feet of floor area
Retail store or personal service establishment and banks	1 per 200 square feet of floor area
Country club, golf club or private club	1 per 5 members or 1 for each 400 square feet of floor area, whichever greater
Amusement place, dance hall, skating rink, swimming pool or similar entertainment facility	1 per 100 square feet of floor area

Use	Number of Spaces
General service or repair establishment	2 per employee on the premises
Automobile-type repair	1 per employee and 2 per bay (working station)
Animal hospital	1 per 400 square feet of floor area
Shopping centers:	
With less than 25,000 square feet	1 per 200 square feet of rental floor area
With 25,000 square feet or more	1 per 100 square feet of rental floor area
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale warehouse or similar establishment	1 per each employee on maximum working shift, plus space for storage of trucks or other vehicles used in connection with business or industry
Any other commercial building not specifically listed above hereafter erected, converted or structurally altered	1 for each 200 square feet of business floor space in the building

ARTICLE XIII
Mobile Homes

§ 125-89. General requirements.

A. All mobile homes not located in a mobile home park or mobile home subdivision shall be owned by the property owner or a member of his immediate family. The property owner is the record owner of the real estate or anyone who has a written contract to purchase the real estate. "Immediate family" includes the owner's mother, father, son, daughter, brother, sister, grandfather or grandmother.

B. Fire-resistant skirting approved by the County Building Inspector shall be installed on all mobile homes prior to final occupancy.

C. Unless otherwise specified in the application for a zoning permit, all work must be completed and the allowed use begun within 90 days of the date of approval or the permit shall automatically expire. Upon request of the applicant, the Zoning Administrator may grant one ninety-day extension.

§ 125-90. Temporary mobile home parks.

The governing body may issue special exception zoning permits for temporary mobile home parks for the purpose of housing industrial construction workers with such conditions as it may deem appropriate and necessary.

§ 125-91. Permanent mobile home parks.

A. Principal uses permitted. The following shall be the principal uses permitted:

(1) Mobile homes which conform to national standards for construction as developed by the American National Standards Institute (ANSI) in cooperation with the Mobile Home Manufacturers Association and National Fire Protection Association. The Standard for Mobile Homes, P. 119.1 – 1969, controls design, construction requirements, plumbing, heating and electrical systems. All mobile homes must also conform to the Building Officials and Code Administrators (BOCA) and other codes as adopted by the county.

(2) Swimming pools, recreational and athletic facilities, community buildings and other similar and related improvements for the common use of park occupants and their guests.

(3) A coin-operated laundry and/or drying operation for the sole use of park occupants.

B. Accessory uses permitted. The following shall be the accessory uses permitted: accessory uses not otherwise prohibited, customarily accessory and incidental to any permitted use.

C. Other regulations:

(1) Area and density. The overall density of any mobile home park shall not exceed six units per gross acre. For density purposes, all areas subject to flooding and other adverse topographic features making them unsuitable for residential use shall be excluded from computations. The minimum lot area for individual mobile homes shall be 6,000 square feet, and no mobile home shall occupy more than 25% of the area of the lot on which it is situated. The minimum width for each lot shall be 60 feet. Lot widths shall be measured at right angles to the long axis of the lot.

(b) Minimum size. Mobile homes shall contain at least 750 square feet.

(c) Floor load level. Floor load level shall equal 40 pounds per square foot, roof snow load and wall load.

(d) Tie downs. All mobile home units must use and be secured with proper tie-down equipment.

(e) Doors. All mobile home units must have two doors to provide access and egress.

(f) Crawl space. Crawl space shall be 20 inches above grade.

(g) No mobile home shall be placed within 50 feet of another mobile home or service building.

(h) There shall be provided areas and facilities for recreational purposes appropriate to the needs of the occupants.

(i) Septic systems must be approved by the State Department of Health.

(j) All mobile home parks shall have a planted peripheral buffer strip a minimum of 20 feet in depth along park boundary lines with a screen of natural growth of a minimum height of eight feet.

D. State regulations. Every mobile home park shall also comply with the requirements of the Manufactured Home Lot Rental Act, set out in § 55-248.41 et seq. of the Code of Virginia, as amended.

§ 125-92. Mobile home subdivisions.

A. All mobile home subdivisions shall comply with the requirements for mobile home parks, except that the minimum lot size shall be 80 feet by 110 feet.

B. Each such subdivision shall be at least five acres in size and shall otherwise conform to the requirements of Chapter 106, Subdivision of Land.

C. No individual septic systems shall be allowed.

§ 125-93. Existing parks.

Mobile home parks in existence as of the date of this chapter shall have two years to bring their facilities into compliance with this chapter. Failure to conform shall be grounds for revocation of the zoning permit.

§ 125-94. Mobile home storage units. [Added 4-18-1996]

Mobile home storage units must conform to the following requirements converting from a mobile home residence to a mobile home storage unit:

A. The following must be removed from the residential unit:

(1) Water heaters.

(2) Water pipes in and under the unit.

(3) Sinks, toilets, tubs and shower stalls.

(4) Waste pipes in and under the unit.

(5) Kitchen, sinks, dishwashers, stoves, refrigerators and other appliances.

(6) Clothes washers and dryers.

(7) Interior walls.

B. The following activities must be approved by the Building Inspector:

(1) All mobile home storage units must be secured with proper tie-down equipment.

(2) Foundation and underpinning shall meet the requirements of mobile homes.

(3) Fire-resistant skirting shall be installed.

(4) The unit shall not be within 50 feet of any residential dwelling.

ARTICLE XIV
Sign Controls

§ 125-95. Intent.

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the county, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising. No sign shall be permitted, erected or used in Nottoway County, except as permitted in this article.

§ 125-96. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS SIGN — A sign which directs attention to a product, commodity or service available on the premises, including professional offices or institutional use.

DIRECTIONAL SIGN — A sign (one end of which may be pointed or on which an arrow may be painted, indicating the direction to which attention is called), giving the name only of the firm, business, residence or farm responsible for the erection of same.

GENERAL ADVERTISING SIGN — A sign which directs attention to a product, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located, referred to as a "billboard."

HOME OCCUPATION SIGN — A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

LOCATION SIGN — A sign which directs attention to the approximate location of an establishment from which the product may be obtained.

SIGN — Any display of any letters, writing, words, numerals, figures, devices, emblems, flags, model, street clocks, temperature announcement, insignia, pictures or any parts or combinations thereof, by any means whereby the same are made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

TEMPORARY SIGN — A sign applying to a seasonal or other brief activity, such as but not limited to summer camps, horse shows, auctions or sale of land.

§ 125-97. General requirements.

A. Signs may be illuminated, provided that the illumination shall be properly focused upon the sign itself as to prevent glare upon the surrounding area.

B. Signs with flashing, animated or intermittent illumination or a mobile-type sign shall not be permitted.

C. Red- and green- lighted signs shall not be permitted within 100 feet of a signaled intersection.

D. On stores and other permitted commercial or industrial uses, exterior signs pertaining to the use permitted are not to exceed one square foot per linear foot of property frontage and shall be attached flat against the wall of the building and must be limited to the store front portion of the facade not projecting above the roofline or coping nor face the side lot of an adjoining residential property, and be in general conformity to the structure and the surrounding architecture. Projecting or freestanding signs (including signs six feet or less) not more than 50 square feet in area may, in addition, be approved by the Planning Commission in commercial or industrial areas.

E. No sign will be permitted which would extend above the building line.

§ 125-98. Regulations.

A. Advertising outdoors regulated. No person, except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain or fasten any sign, pennant, outdoor advertising sign, billboard or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

B. Excluded signs. The following shall not be deemed to be included within the definition of "sign":

(1) Signs of a duly-constituted governmental body, including traffic or similar regulatory devices, legal devices or warnings at railroad crossings.

(2) Memorial tablets or signs, grave stones.

(3) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding 10 square feet on any lot or parcel.

(4) Signs which are within a ballpark or other similar private recreational use and which cannot be seen from a public street or adjacent properties.

(5) Flags or emblems of a civic, philanthropic, educational or religious organization, temporary in nature of not more than 50 feet.

(6) Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephone, freight entrances or the like.

(7) Signs placed by a public utility showing the location of underground facilities.

C. Restricted signs. The following signs are restricted:

(1) Unauthorized signs at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of 2½ and eight feet; or at any location where it may interfere with, obstruct the view of or be confused with any authorized traffic sign.

(2) Signs which produce noise or sounds capable of being heard even though the sounds produced are not undesirable sounds.

(3) Signs which emit visible smoke, vapor, particles or odor.

(4) Signs erected, constructed or maintained so as to obstruct or be attached to any fire-fighting equipment, window, door or opening used as a means of ingress or egress of for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

(5) Signs with any lighting or control mechanism which causes radio or television or other communication interference.

(6) Those which imitate or resemble any official traffic sign, signal or device or use the words "stop" or "danger" prominently displayed or present or imply the need or requirement of stopping or the existence of danger on any highway.

(7) Those which are not effectively shielded so as to prevent beams or rays of light from being directed on any portion of the traveled ways of a street or highway and which are of such intensity or brilliance as to cause glare or to impair the vision to the driver of any vehicle.

(8) Signs which advertise any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.

(9) Signs which are inconsistent with state law or the provisions of this chapter.

§ 125-99. Signs permitted.

Signs will be permitted in the various districts as follows:

A. Agricultural A-1 and Conservation C-1:

(1) Business signs not to exceed 20 square feet.

(2) Church bulletin boards and identification signs not to exceed 16 square feet.

(3) Directional signs not to exceed 16 square feet.

(4) Home occupation signs not to exceed 12 square feet.

(5) Location signs not to exceed 20 square feet.

(6) Temporary signs not to exceed 20 square feet.

(7) General advertising signs by special exception permit.

B. Residential R-1:

(1) Business signs, only to advertise the sale or rental of the premises upon which erected, with a total surface area not exceeding nine square feet per sign.

(2) Church bulletin boards and identification signs, with a total surface area not exceeding 16 square feet per sign.

(3) Directional signs, with a total surface area not exceeding 16 square feet per sign.

(4) Home occupation signs, with a total surface area not exceeding two square feet.

(5) Temporary signs with special permission from the Zoning Administrator.

C. Business B-1 and Limited Business B-2:

(1) Business signs not to exceed 24 square feet.

(2) Church bulletin boards and identification signs not to exceed 16 square feet.

(3) Directional signs not to exceed 16 square feet.

(4) Home occupation signs not to exceed 12 square feet.

(5) Location signs not to exceed 20 square feet.

(6) Temporary signs not to exceed 20 square feet.

(7) General advertising signs by special exception permit.

D. Industrial M-1:

(1) Business signs not to exceed 36 square feet.

(2) Church bulletin boards and identification signs not to exceed 16 square feet.

(3) Directional signs not to exceed 20 square feet.

(4) Location signs not to exceed 20 square feet.

(5) Temporary signs not to exceed 20 square feet.

E. Floodplain FP:

(1) Directional signs not to exceed 12 square feet.

(2) Temporary signs not to exceed 20 square feet.

§ 125-100. Setback requirements.

Signs shall be located 35 feet or more from any street right-of-way, and this will be known as the "setback line." There shall be excepted from the setback business signs and signs advertising the sale or rental of the premises, which signs may be erected up to the property line. No sign shall be required to set back from the street a distance greater than the setback line observed by the one or two existing structures on the immediately adjoining lots on either side.

§ 125-101. Construction and conformance.

A. Every sign permitted by this article must be constructed of durable materials and must be kept in good condition and repair. The Zoning Administrator shall notify the appropriate person that such sign or outdoor advertising matter shall be repaired or removed within a specified time period, and if not repaired or removed, the county shall remove the sign or take other action to require prompt compliance with this article.

B. All signs must be registered with the Zoning Administrator, except temporary signs such as "for sale" signs. Existing signs not conforming to all conditions of this article shall not be repaired, altered or rebuilt unless same are made to conform with these conditions set forth in this article.

§ 125-102. Nonconforming signs.

Any sign lawfully in existence at the time of the effective date of this article may be maintained although it does not conform with the provisions of this article. Such nonconforming sign shall comply in all respects with the requirements of Article XV which pertains to nonconforming uses. All signs must conform to the Basic BOCA Code and other county codes. All signs shall require a zoning permit in any district, except signs mounted flat against buildings, not protruding over the side of a building, conforming to the requirements of this chapter, temporary signs and business signs not exceeding nine square feet. No fee will be required for such a zoning permit for a sign.

ARTICLE XV
Nonconforming Uses

§ 125-103. Statement of intent.

A. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival; however, advertising structures that become nonconforming because of an amendment to this chapter have 24 months within which to relocate to a permitted district. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of structure, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried out diligently. "Actual construction" is hereby defined to include the the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

D. Temporary seasonal nonconforming uses that have been in continuous use for a period of two years or more prior to the effective date of this chapter are excluded.

§ 125-104. Nonconforming lots of record.

In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption or amendment of this chapter notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

§ 125-105. Nonconforming uses of land.

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

§ 125-106. Nonconforming structure.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

§ 125-107. Nonconforming uses of structures or of structures and premises.

If lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this chapter.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 24 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

§ 125-108. Repairs and maintenance.

A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 25% of the value of the nonconforming structure as appraised by the County Assessing Officer.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

C. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 125-109. Special exception uses considered to be conforming uses.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Zoning Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

§ 125-110. Calculation of time.

Calculation of the time periods herein imposed shall begin as of the adoption of the original Zoning Ordinance on March 23, 1995.

ARTICLE XVI
Special Exceptions

§ 125-111. Term defined.

A special exception is a use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses way be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this chapter.

§ 125-112. Applications.

Applications for special exceptions may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Board of Supervisors in accordance with rules adopted by the Board. The application and accompanying

maps, plans or other information shall be transmitted promptly to the Secretary of the Board who shall place the matter on the docket, advertise a public hearing thereon which shall be held not less than 10 days after such advertising and give written notice of such hearing to the parties in interest. The Zoning Administrator shall also transmit a copy of the application to the local commission which may send a recommendation to the Board or appear as a party at the hearing.

§ 125-113. Conditions; bond.

The Board of Supervisors may grant such special exceptions as are authorized by this chapter. The Board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guaranty or bond to insure that the conditions imposed are being and will continue to be complied with.

ARTICLE XVII
Administration and Enforcement

§ 125-114. Who may apply.

All applications for a change in zoning or zoning permits presented to the county must be signed by the property owner, the property owner's power of attorney or legal guardian or, in the case of an estate, the executor of said estate. The property owner or his/her legal benefactor as named hereinabove may designate an agent to represent the zoning/rezoning request before the Planning Commission and Board of Supervisors.

§ 125-115. Enforcement by Zoning Administrator; notification of violations.

The Zoning Administrator designated by the Supervisors shall administer and enforce this chapter. He may be provided with the assistance of such other persons as needed. If the Zoning Administrator shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

§ 125-116. Building permit requirements.

No building permit shall be issued without written confirmation from the Zoning Administrator that all zoning requirements have been met and that all county codes have been met.

§ 125-117. Zoning permits.

Land may not be used or occupied in violation of this chapter. Applications for a zoning permit shall be accompanied by three copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the Administrator. One copy of the drawing shall be returned to the applicant with the permit.

ARTICLE XVIII
Appeals

§ 125-118. Board of Zoning Appeals.

A board consisting of five members shall be appointed by the Circuit Court of Nottoway County. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. The term of office shall be for five years. One of the five appointed members shall be an active member of the Planning Commission. The board shall choose annually its own Chairman and Vice Chairman who shall act in the absence of the Chairman.

§ 125-119. Proceedings.

The proceedings and operations of the Board shall be in conformity with § 15.2-2308 of the Code of Virginia, as amended, and the Board shall make no decisions on any petition or appeal unless and until it has conducted a public hearing thereon, with due public notice given as required by § 15.2-2204 of the Code of Virginia, as amended.

§ 125-120. Powers and duties of Board of Zoning Appeals.

The Board of Zoning Appeals shall have the following powers and duties:

A. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant thereto.

B. To authorize upon appeal in specific cases such a variance (as defined in this chapter) from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice done, as follows:

   (1) When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a

specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.

(2) No such variance shall be authorized by the Board unless it finds that:

(a) The strict application of this chapter would produce undue hardship.

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(c) The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

(3) No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

(4) In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to insure that the conditions imposed are being and will continue to be complied with.

C. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners required by § 15.2-2204 of the Code of Virginia, the Board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question. The Board shall not have the power, however, to rezone property or substantially to change the locations of district boundaries as established by ordinance.

§ 125-121. Appeal procedure.

A. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting any record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the

Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

B. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within 60 days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which is required to pass under this chapter or to effect any variance from this chapter. The Board shall keep minutes of its proceedings and other official actions.

ARTICLE XIX
Violations

§ 125-122. Filing of complaints.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state full the cause and basis thereof and shall be filed with the Zoning Administrator. He shall record such complaint properly, immediately investigate and take action thereon as provided by this chapter.

§ 125-123. Violations and penalties.

A. Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants or variances or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $1,000 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation occurs shall constitute a separate offense.

B. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and may suffer the penalties herein provided.

C. Nothing contained herein shall prevent the county from taking other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XX
Amendments

§ 125-124. Amendment by ordinance; initiation of amendments.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Supervisors may by ordinance amend, supplement or change the regulations, district boundaries or classifications of property. Any such amendment may be initiated by resolution of the Supervisors or by motion of the Planning Commission or by petition of any property owner addressed to the Supervisors.

§ 125-125. Public hearing required.

Before approving and adopting any zoning amendment, the Supervisors shall hold at least one public hearing thereon pursuant to public notice as required by § 15.2-2204 of the Code of Virginia, after which the governing body may make appropriate changes or corrections in this chapter or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by § 15.2-2204. An affirmative vote of at least a majority of the members of the governing body shall be required to adopt, amend or reenact a zoning ordinance.

APPENDIX

Chapter A128
POLICIES

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[HISTORY: Adopted by the Board of Supervisors of Nottoway County as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Compensation for livestock and poultry killed by dogs — See Ch. 38, Art. III.

Abandoned vehicles — See Ch. 119, Art. II.

ARTICLE I
Section 504 Grievance Procedure
[Adopted 10-18-1984]

§ A128-1. Adoption of internal grievance procedure.

The County of Nottoway has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharings (ORS) regulations [31 CFR 51.55(d)(2)] implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

§ A128-2. Filing of complaints.

A. Complaints should be addressed to Ronald E. Roark, County Administrator, P.0. Box 92, Nottoway, Virginia 23955, telephone 645-8696, who has been designated to coordinate Section 504 compliance efforts.

B. A complaint should be filed in writing or verbally, contain the name and address of the person filing it and briefly describe the alleged violation of the regulations.

C. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation.

§ A128-3. Investigation of complaint.

An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Ronald E. Roark. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 31 CFR 51.55(d)(2), the County of Nottoway need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.

§ A128-4. Written documentation.

A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Ronald E. Roark and a copy forwarded to the complainant no later than 21 days after its filing.

§ A128-5. Maintenance of files and records.

The Section 504 coordinator shall maintain the files and records of the County of Nottoway relating to the complaints filed.

§ A128-6. Request for reconsideration.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 10 days to the Chairman of the Board of Supervisors.

§ A128-7. Use of other remedies.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, United States Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

§ A128-8. Construal of provisions.

These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the County of Nottoway complies with Section 504 and the ORS regulations.

ARTICLE II
Use of County-Owned Vehicles
[Adopted 3-21-1985]

§ A128-9. Necessity of policy adoption.

Due to requirements of the Internal Revenue Service, it has become necessary for the Board of Supervisors to adopt a policy regarding the use of county-owned vehicles.

§ A128-10. Garaging of vehicles at home of certain employees.

It is our opinion that the vehicles assigned to the County Administrator, sheriff and sheriff's deputies should be garaged at their homes due to the possibility of these individuals being on call for emergencies, night meetings, etc. These vehicles are to be used totally for business purposes with absolutely no personal use other than traveling to and from work daily.

§ A128-11. Consequences of policy violation.

Any violations of this policy will result in county vehicles being left on county property overnight and/or requiring employees to furnish their own vehicles with the county reimbursing for business mileage.

§ A128-12. Exception.

All vehicles other than those mentioned above are to be garaged on county property with no personal use allowed.

§ A128-13. Furnishing of IRS form.

Recognizing that the value of the use of county-owned vehicles to travel to and from work has been determined by the IRS to be taxable income, the County Administrator is directed to furnish all employees driving county-owned vehicles home overnight an IRS Form 1099 at year's end showing this additional income at $3.00 per normal county workday.

§ A128-14. Recommendations.

A. It is our recommendation that this policy be adopted and become effective immediately.

B. It is further recommended that the School Board be requested to review the use of county vehicles and adopt a policy restricting the use of county vehicles in a similar manner.

ARTICLE III
Disposal of Unclaimed Property
[Adopted 11-17-1998]

§ A128-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

UNCLAIMED PERSONAL PROPERTY — Any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) and which has been in the possession of a law enforcement agency and unclaimed for a period of more than 60 days.

§ A128-16. Notice of sale; payment of costs from sale proceeds.

A. Prior to the sale of any unclaimed item, the sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the commonwealth's Attorney in writing a statement advising that the item is not needed in any criminal prosecution and cause to be published in a newspaper of general circulation in the locality once a week for two successive weeks, notice that there will be a public sale of unclaimed personal property. Such property shall be described generally in the notice, together with the date, time and place of the sale.

B. The sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership.

§ A128-17. Disposition of proceeds; time limit for application for return of proceeds of sale.

If no claim has been made by the owner for the proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the county. Any such owner shall be entitled to apply to the county within three years from the date of the sale and, if timely application is made therefor, the county shall pay the remaining proceeds of the sale to the owner without interest or other charges. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of the sale.

ARTICLE IV
Reimbursement Rates for Livestock and Fowl Claims
[Adopted 7-16-1992]

§ A128-18. Rates.

The Policy Committee met on July 16, 1992, and recommends the adoption of the following rates of reimbursement for livestock and fowl claims:

Type of Animal	Rate of Reimbursement
Chicken	$ 3.00
Goat	25.00
Pig	20.00
Hog	50.00
Lamb	20.00
Sheep	40.00
Cattle (200 pounds or less)	100.00
Cattle (over 200 pounds)	250.00
Rabbit	3.00

§ A128-19. Annual review recommended.

It is our opinion that these rates reflect the current average fair market value and should be reviewed annually by the Board of Supervisors.

§ A128-20. Referral to Policy Committee.

It is our further recommendation that should any livestock or fowl claims be received that are not covered, the claims should be referred to the Policy Committee for a recommendation prior to presentation to the Board of Supervisors.

ARTICLE V
Equal Employment Opportunity Policy
[Adopted 2-18-1993]

§ A128-21. Policy statement.

This Board is committed to a policy of nondiscrimination in relation to race, sex, age, religion, national origin, marital status or disability, except in situations where such disability, with or without reasonable accommodation, prevents the disabled person from performing the essential functions of the job.

§ A128-22. Equal opportunity statement.

The statement, "Nottoway County is an Equal Opportunity Employer," shall be placed on all employment application forms.

§ A128-23. Compliance officer.

Accordingly, the Board will designate an individual to act as the Board's compliance officer under the provisions of Title IX, Section 504, of the Rehabilitation Act, and the Americans with Disabilities Act.[1]

§ A128-24. Filing of complaints.

Complaints of employment discrimination may be made as follows:

A. School system: school compliance officer or EEOC (Richmond).

B. Social services: department compliance officer or EEOC (Richmond).

C. County office: county compliance officer or EEOC (Richmond).

D. Constitutional offices (Circuit Court Clerk, Commissioner of Revenue, Commonwealth's Attorney, Sheriff and Treasurer): Virginia Council on Human Rights or EEOC (Richmond).

ARTICLE VI
State and Federal Budget Cuts
[Adopted 1-19-1995]

§ A128-25. Funding of benefits and services.

Nottoway County will continue to fund all benefits and services at the same reasonable level that they are now funding at this time.

§ A128-26. No funding for benefit reinstatement.

If the federal or state government reduces its funding of a benefit or service, the benefit or service that they cut will be cut by that amount. Nottoway County will not make up the difference to reinstate the benefit or service to its original level.

§ A128-27. Decision on fate of benefit or service.

Nottoway County will not be forced to decide the fate of each individual benefit or service that has been cut by the federal state government.

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1 **Editor's Note: See also Art. I, Section 504 Grievance Procedure, of this chapter.**

§ A128-28. Action by affected individuals.

Any individuals affected by a reduction should put effort into the decision process at the appropriate level of government, not this Board of Supervisors.

§ A128-29. Control of tax level.

It is felt that the level of taxation in this county must be controlled at its current level.

ARTICLE VII
County Road Name Changes
[Adopted 1-19-1995]

§ A128-30. Procedure for requests for changes.

The citizens of Nottoway County may request road name changes based on this policy. All requests to change road names in Nottoway County will follow this procedure:

A. An application to change the name of a road must be filled out at the County Administrator's office. The application will contain information on the person or group that will serve as the contact with the county, a detailed description of the road and the current and proposed name of the road.

B. A fee to cover local advertising for a public hearing will be required at this time.

C. A petition containing at least 50% of the home owners on the segment in question must be presented with the application. Included on this petition will be the request, followed by their printed name, address, telephone number and signature.

§ A128-31. Advertising for citizen input; public hearing.

The request will be advertised locally for citizen input and a public hearing will be held at a regularly scheduled meeting of the Board of Supervisors.

§ A128-32. Approval or denial of request.

The Board of Supervisors will approve or deny the request after the public hearing.

§ A128-33. Payment of expenses associated with changing signs.

A. Should the request be approved, the expense of changing signs and all other associated costs incurred by Nottoway County will be presented to the contact person or group for payment.

B. It will be the responsibility of the contact person or group to present the county with this amount before any further action will be taken by the county.

C. The contact person or group has 60 days from the date that cost figures are supplied by the county to make payment in full.

D. If this time period expires before full payment is received by the county, the request will be denied and the application process must begin again.

§ A128-34. Road segments.

Name change requests must include road segments that have an intersection, dead end or county boundary line at each end. Roads will not be divided into segments that do not meet this criteria.

§ A128-35. Moratorium.

The Nottoway County Board of Supervisors will not accept any requests to change road names until April 22, 1999, a period of two years after sign installation is complete throughout the county.

ARTICLE VIII
Employee Uniforms
[Adopted 1-19-1995]

§ A128-36. Wearing of uniforms required for certain personnel.

The County of Nottoway realizes that in order for its employees with exposure outside of the office at Nottoway Courthouse to represent the county in a favorable image to the general public and to provide proper identification, it must require outside employees to wear uniforms.

§ A128-37. Cost of uniforms.

It shall be the policy of the Nottoway County Board of Supervisors to provide outside employees with uniforms, the cost of which will be borne by the county.

§ A128-38. Choice in uniforms.

Effective immediately, employees with outside exposure as designated by the Board of Supervisors will be issued uniforms. The style and color uniform will be chosen by the county. Employees may choose whether to have short or long sleeve shirts, or a combination of the two.

§ A128-39. Wearing of uniforms.

Wearing of uniforms while on active duty is mandatory. Uniforms may be worn while traveling to and from work and at county functions. Wearing of uniforms at times other than specified is prohibited.

§ A128-40. Footwear.

Footwear while on active duty must be sturdy-type leather safety shoes. Wearing of cloth/tennis-type shoes is prohibited. The cost of footwear shall be borne by the employee.

ARTICLE IX
Posting House Numbers for Emergency Services
[Adopted 11-20-1997]

§ A128-41. Purpose.

Nottoway County, in an effort to provide the highest quality emergency services for its citizens, has developed the following guideline for the uniform display of house numbers. These guidelines will enable police, fire and emergency medical personnel to accurately arrive where needed in the quickest possible time.

§ A128-42. Display of house numbers.

This policy will encompass all homes in Nottoway County not located in the incorporated Towns of Blackstone, Burkeville and Crewe, nor will it affect those in Fort Pickett. It is required that all occupied houses in the county have and display a house numbering post as follows:

A. Each home will have a house numbering post located at the entrance homeowners use to the nearest primary or secondary road. This road must correspond to the road listed as the homeowner's mailing address. The house numbers shall be shown on a freestanding post positioned as close to the entrance as is possible. It is required that all vegetation that could conceal the post be removed. The post shall not be used for any other purpose other than the display of house numbers.

B. Should there be multiple houses using a single entrance, a numbering post for each house is required at the entrance. There must be sufficient space between the posts so that all numbers are visible from the road. In addition, each house must be clearly marked to differentiate them from each other. To accomplish this, numbers at least four inches high must be posted on the house in a clearly visible manner.

C. The post will extend out of the ground between two feet six inches and three feet. It is recommended that the post extend 18 inches below the surface of the ground.

D. The numbers used on each post will be four inches in height. The numbers will be made of reflective sheeting so that visibility may be maximized. They shall be positioned vertically on the two opposing sides of the post to provide visibility to vehicles traveling in both directions. Numbers shall be placed in such a way that there be at last 18 inches from the surface of the soil surrounding the post to the bottom of the lowest number.

E. The County of Nottoway will provide each household one complete (post and numbers) house numbering set at no charge. Replacements will be available at cost through the County Administrator's office. All maintenance and replacement will be the responsibility of the home owner.

F. The county will be responsible for the installation of posts for occupied houses as of March 31, 1997. On houses built and/or occupied after March 31, 1998, it will be the responsibility of home owners to install posts. The homeowner will have 30 days to erect the house numbering post after purchasing it from the county. Where applicable, homeowners are strongly urged to call "Miss Utility" before digging.

ARTICLE X
Shrink-Swell Clays
[Adopted 6-18-1998]

§ A128-43. Policy statement.

In accordance with the House Joint Resolution 206, the following shall be the Nottoway County policy for building on shrink-swell clays: If shrink-swell clays are found to be present during the footing inspection, for any structure regulated by the Uniform Statewide Building Code, the Building Code Official shall determine if a design footing and foundation is required for that structure. If a design footing and foundation is required, the design must be by an engineer or architect licensed by the State of Virginia and be based on site-specific soils investigation, or presume the presence of high shrink/swell soil and design to overcome the limitations presented by these soils.

A128-45

OFFICE OF
THE BOARD OF SUPERVISORS
NOTTOWAY COUNTY

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BUILDING INSPECTOR
A. Q. ELLINGTON, III

COUNTY PLANNER
STEVE D. FERGUSON

A128-44 was designated Leave Sharing but that is included in the Personnel Policy

December 22, 2008

To: Mrs. Senger
Mr. Arnold
Mrs. Brown
Mr. Reitmeier
Mr. Hill
Mrs. Payne

From: Ronald E. Roark, County Administrator

Re: Identity Theft Prevention Program

In compliance with Federal law the Board of Supervisors adopted the attached policy at its December 18, 2008 meeting.

G-3

County of Nottoway

Identity Theft Prevention Program

Purpose

The purpose of the program is to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions

Covered account means:

1. An account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include utility accounts; and

2. Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.

Identifying information is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, Social Security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol (IP) address, or routing code.

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

Red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

The Program

The County of Nottoway establishes an Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.

The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

Identification of Relevant Red Flags

In order to identify relevant Red Flags, the locality considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the method it provides to access its accounts and its previous experience with Identity Theft. The locality identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

- Report of fraud accompanying a credit report;
- Notice or report from a credit agency of a credit freeze on a customer or applicant;
- Notice or report from a credit agency of an active duty alert for an applicant; and
- Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

- Identification document or card that appears to be forged, altered or inauthentic;
- Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

• Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
• Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on the credit report);
• Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
• Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
• Social Security number presented that is the same as one given by another customer;
• An address or phone number presented that is the same as that of another person;
• A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
• A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

• Change of address for an account followed by a request to change the account holder's name;
• Payments stop on an otherwise consistently up-to-date account;
• Account used in a way that is not consistent with prior use (example: very high activity);
• Mail sent to the account holder is repeatedly returned as undeliverable;
• Notice to the locality that a customer is not receiving mail sent by the locality;
• Notice to the locality that an account has unauthorized activity;
• Breach in the locality's computer system security; or
• Unauthorized access to or use of customer account information.

E. Alerts from Others

• Notice to the locality from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Detection of Red Flags

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, the county's personnel will take the following steps to obtain and verify the identity of the person opening the account:

- Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- Review documentation showing the existence of a business entity; and
- Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, the county's personnel will take the following steps to monitor transactions with an account:

- Verify the identification of customers if they request information, whether in person, via facsimile or via e-mail;
- Verify the validity of requests to change billing addresses; and
- Verify changes in banking information given for billing purposes.

Response to Suspected Identity Theft

In the event county's personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- Continue to monitor an account for evidence of Identity Theft;
- Contact the customer;
- Change any passwords or other security devices that permit access to accounts;
- Not open a new account;
- Close an existing account;
- Reopen an account with a new member;
- Notify the Program Administrator for determination of the appropriate step(s) to take;
- Notify law enforcement; or
- Determine that no response is warranted under the particular circumstances.

In order to further prevent the likelihood of identity theft occurring with respect to utility accounts, the county will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- Ensure that its website is secure or provide clear notice that the website is not secure;
- Ensure complete and secure destruction of paper documents and computer files containing customer information;
- Ensure that the office computers are password protected and that computer screens lock after a set period of time;
- Keep offices clear of papers containing customer information;
- Request only the last 4 digits of social security numbers (if any);
- Ensure computer virus protection is up to date; and
- Require and keep only the kinds of customer information that are necessary for utility purposes.

Updating the Program

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

- The experiences of the organization with identity theft;
- Changes in methods of identity theft;
- Changes in methods to detect, prevent and mitigate identity theft;
- Changes in the types of accounts that the organization offers or maintains;
- Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures and service provider arrangements.

Administration of Program

- The Nottoway County Board of Supervisors shall be responsible for the development, implementation, oversight and continued administration of the Program.
- The Program shall train staff, as necessary, to effectively implement the Program; and
- The Program shall exercise appropriate and effective oversight of service provider arrangements.

Oversight of the Program

1. Oversight of the Program shall include:

a. Assignment of specific responsibility for implementation of the Program to the County Administrator;
b. Review of reports prepared by staff regarding compliance; and
c. Approval of material changes to the Program as necessary to address changing risks of identity theft.

2. Reports shall be prepared as follows:

a. Staff responsible for development, implementation and administration of the Program shall report to the Board of Supervisors at least annually on compliance by the organization with the Program.
b. The report shall address material matters related to the Program and evaluate issues such as:

- The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- Service provider agreements;
- Significant incidents involving identity theft and management's response; and
- Recommendations for material changes to the Program.

Oversight of Service Provider Arrangements

In the event the locality engages a service provider to perform an activity in connection with one or more accounts, it will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

- Require, by contract, that service providers have such policies and procedures in place; and
- Require, by contract, that service providers review the locality's Program and report any Red Flags to the Program Administrator.

Duties Regarding Address Discrepancies

The locality shall develop policies and procedures designed to enable the ACSA to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the organization receives a notice of address discrepancy from a nationwide consumer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The locality may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the utility's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed; the locality shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if;

1. The organization establishes a continuing relationship with the consumer; and
2. The organization regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

This policy was presented to the Nottoway County Board of Supervisors on December 18, 2008 and approved by a unanimous vote.

Sherman C. Vaughn, Chairman

Ronald E. Roark, Clerk

K-10 A128-44

January 31, 2011

Nottoway County Board of Supervisors
County Administrator Ronnie Roark

From: **John Prosise**

RE: **For Your Consideration:**
Proposed Guidelines for Honoring Exemplary Individuals

Please consider these guidelines as control measures in future requests for official Nottoway County Board of Supervisor acknowledgement.

Guidelines for Resolutions of Appreciation

*This would be the formal resolution that contains the 'whereas and therefores.' The proposal is to confer all resolutions approved by the Board of Supervisors during the year in open session at the Board of Supervisors **December** meeting and place in the minutes for the historical record.*

1) **Recipient must have fifty (50) years or more of volunteer service, a majority of which must have benefited Nottoway County citizens.**
2) **Recipient must be alive or have died within the last six months.**
3) **Recipient must be recommended for RoA by a group (as opposed to an individual) in good standing with the citizens of Nottoway County that is connected in some way to the volunteer service rendered.**
Recipient's application must be reviewed and recommended by a committee of the Board of Supervisors and approved by the unanimous vote of the entire Board.

Guidelines for Letters of Appreciation

This would be a simple text letter on official letterhead, embossed with the county seal, and signed by the Chairman of the Board of Supervisors. There would be no public presentation of the Letter of Appreciation at a Board meeting but the action could be mentioned at the Board meeting so the recipient's name could be placed in the minutes for the historical record. The letter appreciation would be mailed to the recipient when approved by the Board.

1) **Recipient must have twenty-five (25) years or more of volunteer service, a majority of which must have benefited Nottoway County citizens.**
2) **Recipient must be alive.**
3) **Recipient must be recommended for RoA by a group (as opposed to an individual) in good standing with the citizens of Nottoway County that is connected in some way to the volunteer service rendered.**
4) **Recipient's application must be reviewed and recommended by a committee of the Board of Supervisors and approved by the unanimous vote of the entire Board.**

This proposal is open for volunteers of every type, including but not limited to, emergency service providers, educational and church volunteers, volunteers in recreational activities, etc.

Letter – Department of Game and Inland Fisheries – Robert W. Duncan, Executive Director: Notification of receipt of the Nottoway County letter requesting an increase in the number of allowable days to harvest antlerless deer during general firearms season

Information is provided for the Boards review concerning the Planning Commission's recommendation to amend the current Zoning Ordinance to allow for Non-Traditional Accessory Structures (storage units). Following Board discussion, Supervisor Simpson moves to advertise the proposed Zoning amendment for public hearing for the April Board meeting. The motion carried as follows:

S.W. Bowen	Yes
C.A. Simpson	Yes
S.C. Vaughn	Yes
J.J. Green	Yes
G.L. Simmons	Yes

Resolution/Letter of Appreciation Guidelines: Administrator Roark provides the same information that was tabled, per the Board's request, concerning proposed guidelines for honoring exemplary individuals throughout the County.

Supervisor Vaughn moves to adopt the guidelines for honoring exemplary individuals in the County as presented. The motion carried as follows:

S.W. Bowen	Yes
C.A. Simpson	Yes
S.C. Vaughn	Yes
J.J. Green	Yes
G.L. Simmons	Yes

Administrator Roark requests for the Board to set the annual dog confinement period; Supervisor Simpson moves to set the confinement period for the entire months of both April and May 2011. The motion carried as follows:

S.W. Bowen	Yes
C.A. Simpson	Yes
S.C. Vaughn	Yes
J.J. Green	Yes
G.L. Simmons	Yes

Administrator Roark provides a report from the recent Board work session on the 2011 Census redistricting; the Board was presented four (4) options and chose option number four. Administrator Roark will advertise the chosen redistricting plan for public hearing at the April Board meeting.

Chairman Simmons presents the CONSENT CALENDAR:

1 – Erroneous Assessment – Gibson - $96.58: Refund Allen & Sherry Gibson $96.58 for an erroneous personal property tax assessment for tax year 2009

2 – Erroneous Assessment – 4H Construction - $295.13: Refund 4H Construction Company, LLC $295.13 for an erroneous business license fee for tax year 2011

3 – Erroneous Assessment – Hardaway - $29.40: Refund Jessica Hardaway for an erroneous real estate assessment

Chapter A129

PERSONNEL POLICY MANUAL

[The Personnel Policy Manual, adopted May 1995, is on file in the County Administrator's office.]

Chapter A130

Accounting and Purchasing Policies and Procedures

[The Accounting and Purchasing Policies and Procedures Manual, adopted July 1996, is on file in the County Administrator's office.]

DISPOSITION LIST

DISPOSITION LIST

The following is a chronological listing of legislation of the Nottoway County adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the County Administrator. The last legislation reviewed for the original publication of the Code was a zoning amendment adopted 5-12-1998 and a policy adopted 6-18-1998. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the County Administrator.

Enactment	Adoption Date	Subject	Disposition

INDEX

NOTE TO OWNERS:

The Index to this Code will be published in the near future and will be inserted here.

In the interim, refer to the Table of Contents at the beginning of the Code for a complete listing of all general subjects, then refer to the Scheme at the beginning of each chapter for more specific information.

GENERAL CODE PUBLISHERS CORP.

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