

**CODE OF THE COUNTY
OF
BEDFORD, VIRGINIA**

Published by Order of the Board of Supervisors, 1983

Adopted: April 11, 1983

Effective: July 1, 1983



OFFICIALS
of
BEDFORD COUNTY
AT THE TIME OF THIS CODIFICATION

John H. Sublett
Chairman

C. Aubrey Burnette, Jr.
C. Whitney Grove
Verle L. Johnston
James A. Teass
W. Calvin Updike
E. Anthony Ware, II
Supervisors

Cecil C. Knowles
County Administrator

J. G. Overstreet
County Attorney

PREFACE

This Code constitutes a codification of the ordinances of Bedford County, of a general and permanent nature, and is the County's first such codification.

The chapters of the Code have been arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. The source of each section is indicated by the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code, as authorized by section 15.1-37.3 of the Code of Virginia. By use of the Comparative Table appearing in the back of the volume, any ordinance included herein can be readily found in the Code.

Footnotes which tie related sections of the Code together and which refer to relevant provisions of the state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of the volume.

Numbering System

The numbering system used in this Code is the same system used in many state and county codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of chapter 1 is numbered 1-1 and the third section of chapter 2 is 2-3. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 4-2 and 4-3 is desired to be added, such new sections would be numbered 4-2.1, 4-2.2 and 4-2.3, respectively. New chapters may be included in the same manner. If the new material is to be included between chapters 5 and 6, it will be designated as chapter 5.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code, to which the attention of the user is especially directed, is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

The successful maintenance of the Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the County of Bedford; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending and Supplementing Such Code: and Providing When Such Code and This Ordinance Shall Become Effective.

Be It Ordained by the Board of Supervisors of Bedford County, Virginia, as Follows:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 18, each inclusive, is hereby adopted and enacted as the "Code of the County of Bedford, Virginia," which Code shall supersede all general and permanent ordinances of the County adopted on or before October 12, 1982, to the extent provided in section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after 12:01 a.m., July 1, 1983, and all ordinances of a general and permanent nature of the County, adopted on final passage on or before October 12, 1982, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code.

Section 3. That the repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. A violation of any provision of such Code shall be punished as provided in section 1-10 of such Code, or as provided in any other applicable section of such Code.

Section 5. Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Board of Supervisors to make the same a part of such Code, shall be deemed to be incorporated in such Code, so that reference to such Code shall be understood and intended to include such additions and amendments.

Section 6 In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty, as provided in section 4 of this ordinance and in section 1-10 of such Code shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7 Any ordinance adopted after October 12, 1982, which amends or refers to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

Section 8 This ordinance and the Code adopted hereby, shall become effective 12:01 a.m., July 1, 1983.

RESOLUTION OF ADOPTION

Mr. Johnston moved to adopt this Ordinance and the Code, effective 12:01 a.m., July 1, 1983.

Voting yes: Mr. Sublett, Mr. Grove, Mr. Updike, Mr. Teass, Mr. Ware, Mr. Johnston and Mr. Burnette.

Voting no: None.

ADOPTED: April 11, 1983

Bedford County, Virginia, Code of Ordinances
SUPPLEMENT HISTORY TABLE

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit	Supp. No.
Ord. of	12-13-2004	Include	22
O-0510-58	5-10-2010	Include	22
O-0710-109	7-12-2010	Include	22
O-0211-32(R)	2-28-2011	Include	22
O-0511-57	5-23-2011	Include	22
O-0511-64(R)	5-23-2011	Include	22
O-0911-139	9-26-2011	Include	22
O-1111-153	11-28-2011	Include	22
R-1111-148R1	12-12-2011	Include	22
O-0312-28	5-26-2012	Include	22
Ord. of	9- 8-2003	Include	23
Ord. of	9-13-2004	Include	23
Ord. of	3- 7-2005	Include	23
Amend. of	6- 4-2009	Include	23
O1210-162	12-10-2012	Include	23
O1210-163	12-10-2012	Include	23
O1210-164	12-10-2012	Include	23
O-0213-022	2-25-2013	Include	23
O-0213-024	2-25-2013	Include	23
O-0413-39	4-22-2013	Include	23
O-0413-042	4-22-2013	Include	23
Ord. of	6-10-2013	Include	23
Amend. of	7-10-2013	Include	23
O0713-087	7-22-2013	Include	23
O082613-10	8-26-2013	Include	23
O0313-35	3-25-2013	Include	24
O0613-067	6-24-2013	Include	24
O120913-10	12-9-2013	Include	24

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O011314-11	1-13-2014	Include	24
O021014-05	2-10-2014	Include	24
O021014-05(2)	2-10-2014	Include	24
O051214-03	5-12-2014	Include	24
O060914-05	6-9-2014	Include	24
O060914-06	6-9-2014	Include	24
Memorandum	10-2-2014	Include	25
O081015-17a	8-10-2015	Include	26
O081015-17b	8-10-2015	Include	26
O081015-18	8-10-2015	Include	26
O081015-19	8-10-2015	Include	26
O031416-04	3-14-2016	Include	26
O52316-07	5-23-2016	Include	26
O080819-09	8- 8-2016	Include	26
O092616-09	9-26-2016	Include	26
O010917-07	1- 9-2017	Include	26
O032717-03	3-27-2017	Include	26
O102317-06	10-23-2017	Include	26
O102317-07	10-23-2017	Include	26
O031218-02	3-12-2018	Include	27
O031218-03	3-12-2018	Include	27
O062518-09	6-25-2018	Include	27
O062518-09b	6-25-2018	Include	27
O112618-05	11-26-2018	Include	28
O112618-04	12-12-2018	Include	28
O051319-01	5-13-2019	Include	28
O092319-04	9-23-2019	Include	29
O092319-05	9-23-2019	Include	29
O092319-06	9-23-2019	Include	29
O092319-07	9-23-2019	Include	29
O112519-06	11-25-2019	Include	29
O022420-13	2-24-2020	Include	29
O022420-12	2-24-2020	Include	30
O072720-02	7-27-2020	Include	30
O081020-03	8-10-2020	Include	30
O121420-08	12-14-2020	Include	30
O032221-03	3-22-2021	Include	30
O112221-06	11-22-2021	Include	30
O112221-07	11-22-2021	Include	30
O112221-09	11-22-2021	Include	30
O022822-02	2-28-2022	Include	30
O032822-05	3-28-2022	Include	30
O050422-02	5-9-2022	Include	30
O061322-09	6-13-2022	Include	30
O062722-06	6-27-2022	Include	30

Bedford County, Virginia, Code of Ordinances
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O121222-04	12-12-2022	Include	30
O121222-05	12-12-2022	Include	30
O021323-05	2-13-2023	Include	30
O021323-06	2-13-2023	Include	30
O021323-07	2-13-2023	Include	30
O021323-07rev	4-24-2023	Include	30
O121123-04	12-11-2023	Include	30
O121123-05	12-11-2023	Include	30
O012224-04	1-22-2024	Include	30

Chapter 1 GENERAL PROVISIONS

ARTICLE I. IN GENERAL

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of the County of Bedford, Virginia", and may be so cited. Such Code may also be cited as the "Bedford County Code".

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority of county to codify and recodify its ordinances, Code of Virginia, § 15.2-1433.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the county, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the board of supervisors:

Generally: The rules of construction given in the Code of Virginia, §§ 1-13.1—1-15 shall govern, so far as applicable, the construction of all words not defined in this section or elsewhere in this Code.

Board of supervisors; board: Wherever the term "board of supervisors" or "board" is used, it shall be construed to mean the Board of Supervisors of the County of Bedford.

Bond: When a bond is required, an undertaking in writing shall be sufficient.

Code: Wherever the term "Code" or "this Code" is used, without further qualification, it shall mean the Code of the County of Bedford, Virginia, as designated in section 1-1.

Computation of time: Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County: The word "county" shall mean the County of Bedford in the State of Virginia.

Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health officer: The term "health officer" shall mean the legally designated health authority of the state department of health for the county or his authorized representative.

Joint authority: Words purporting to give authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

Month: The word "month" shall mean a calendar month.

Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing; and a word importing the plural number only may extend and be applied to one (1) person or thing, as well as to several persons or things.

Oath: The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Officers, boards, etc.: Whenever reference is made to a particular officer, department, board, commission or other agency, such reference shall be construed as if followed by the words "of the County of Bedford, Virginia". A reference to a particular officer shall also be construed as if followed by the words "or his duly authorized deputy or assistant", subject, however, to the provisions of Code of Virginia, § 15.2-1502.

Official time standard: Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the county.

Or; and: "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Owner: The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person: The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding; following: The words "preceding" and "following" mean next before and next after, respectively.

Section numbers: Whenever reference is made to a specific section (e.g., section 1-1), without further qualification, it shall be deemed to refer to that section of this Code.

Sidewalk: The word "sidewalk" shall mean any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Signature or subscription: Includes a mark when a person cannot write.

State; commonwealth: The words "state" and "commonwealth" shall be construed as if the words "of Virginia" followed.

State code: References to the "state code" or "Code of Virginia" shall mean the Code of Virginia (1950), as amended.

Street; highway; road: The words "street", "highway" and "road" shall include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and shall mean the entire width thereof between abutting property lines. Such words shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the board of supervisors.

Swear; sworn: The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tense: Words used in the past or present tense include the future as well as the past and present.

Written or in writing: Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year: The word "year" shall be construed to mean a calendar year and the word "year" alone shall be equivalent to the expression "year of our Lord".

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-202 et seq.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions as to sections of state code, Code of Virginia, § 1-217.

Sec. 1-4. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the ordinances included herein, shall be considered as continuations thereof and not as new enactments.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-5. Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness or any contract or obligation assumed by the county;
- (2) Any ordinance granting any franchise or right;
- (3) Any ordinance appropriating funds, making assessments or relating to an annual budget;
- (4) Any ordinance relating to salaries, compensation or bonds of county employees and officials or members of county boards or commissions;
- (5) Any ordinance authorizing, providing for or otherwise relating to any public improvement;
- (6) The tall structures zoning ordinance adopted February 19, 1981, and set out in chapter 30 of this Code, or any amendment thereto, including amendments to the zoning map and ordinances zoning or rezoning specific property;
- (7) The subdivision ordinance adopted April 29, 1975, and set out in chapter 31 of this Code, or any amendment thereto;
- (8) Any ordinance adopted for purposes which have been consummated; or
- (9) Any ordinance which is temporary, although general in effect, or special, although permanent in effect; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-6. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-7. Supplementation of Code.

- (a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of supervisors. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this division", etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority to supplement Code, Code of Virginia, § 15.2-1433.

Sec. 1-8. Copies of Code and supplements to be available for public inspection.

At least one (1) copy of this Code and every supplement thereto shall be kept in the office of the county administrator and shall there be available for public inspection, during normal business hours.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-1433.

Sec. 1-9. Severability of parts of Code.

If any part, section, subsection, sentence, clause or phrase of this Code is, for any reason, declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-10. Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the county or any rule or regulation promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor such violation shall be punished as follows:
 - (1) *Class 1 misdemeanor*: By a fine of not more than two thousand five hundred dollars (\$2,500.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.
 - (2) *Class 2 misdemeanor*: By a fine of not more than one thousand dollars (\$1,000.00), or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
 - (3) *Class 3 misdemeanor*: By a fine of not more than five hundred dollars (\$500.00).
 - (4) *Class 4 misdemeanor*: By a fine of not more than two hundred fifty dollars (\$250.00).
- (b) Whenever in any provision of this Code or in any other ordinance of the county or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor and be punished as prescribed in subsection (a)(1) of this section.
- (c) Notwithstanding any other provision of this section or any other section of this Code, no penalty shall be imposed, for a violation of this Code or any other ordinance or any rule or regulation referred to in this section, which is greater than the penalty provided by state law for a similar offense.
- (d) Each day any violation of this Code or any other ordinance or any rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of county to provide penalties for violation of ordinances and provisions similar to subsection (c) above, Code of Virginia, § 15.2-1429.

Sec. 1-11. Assessment of additional costs in civil actions for support of law library.

- (a) Pursuant to the provisions of Code of Virginia, § 42.1-70, there is hereby assessed, as a part of the costs incident to each civil action filed in the courts located within its boundary, the sum of four dollars (\$4.00), which sum shall be collected by the clerk of the court in which the action is filed and remitted to the county treasurer. Sums so remitted shall be held by the treasurer subject to disbursements by the board of supervisors for the

acquisition of law books and law periodicals and computer legal research services, computer terminals and equipment for the establishment, use and maintenance of the county's public law library heretofore established for such other purposes as are authorized by Code of Virginia, § 42.1-70.

- (b) In addition to the acquisition of law books, law periodicals and computer legal research services and equipment, the 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 acquisition and maintenance of "suitable quarters" shall include the cost of interior decorating of the library, such as carpeting, painting, shelving and the purchase of desks and chairs. 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 such assessment of cost. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining research services of the state law library.
- (c) The assessment provided for in this section 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 costs are assessed against the commonwealth, a political subdivision thereof or the federal government.
- (d) The change in library tax shall be effective July 1, 2002.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority, Code of Virginia, § 42.1-70.

Sec. 1-12. Assessment for courthouse construction, renovation and maintenance.

- (a) There is hereby assessed, as part of the fees taxed as costs the sum of two dollars (\$2.00) in each criminal or traffic case in the general district court, juvenile and domestic relations district court and the circuit court in which the defendant is charged with a violation of any statute or ordinance.
- (b) There is hereby assessed as part of the costs the sum of two dollars (\$2.00) in each civil action filed in the General District Court and Circuit Court of Bedford County.
- (c) Pursuant to Code of Virginia, § 17.1-281.C there is hereby additionally assessed, as part of the fees taxed as costs, the sum of three dollars (\$3.00) in each criminal or traffic case in the General District Court, Juvenile and Domestic Relations District Court and the Circuit Court in which the defendant is charged with a violation of any statute or ordinance.
- (d) Pursuant to Code of Virginia, § 17.1-281.C, there is hereby additionally assessed as part of the fees taxed as costs, the sum of three dollars (\$3.00) in each civil action filed in the General District Court and Circuit Court of Bedford County where the amount in controversy exceeds five-hundred dollars (\$500.00).
- (e) The assessments set forth in subsections (a) and (b) of this Section 1-12 shall be collected by the clerk of the court in which the action is heard filed and remitted monthly to the treasurer of the county, and held by the treasurer of the county subject to disbursements by the board of supervisors for construction, renovation or maintenance of the courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.
- (f) The assessments set forth in subsections (c) and (d) of this Section 1-12 shall be collected by the clerk of the court in which the action is heard filed and remitted monthly to the treasurer of the county, and held by the treasurer of the county subject to disbursements by the board of supervisors for construction, reconstruction, renovation or adaptive re-use of a structure for a courthouse.

(Ord. No. O1210-162, 12-10-2012; Ord. No. O032717-03, 3-27-2017)

State law reference(s)—Similar provisions, Code of Virginia, § 53.1-120.

Sec. 1-13. Assessment for courthouse and courtroom security.

- (a) There is hereby assessed as part of the fees taxed as cost the sum of ten dollars (\$10.00), as the part of each criminal or traffic case in the district and the circuit courts, in which the defendant is convicted of a violation of any statute or ordinance.
- (b) This assessment shall be collected by the clerk of the court, in which the case is heard and remitted monthly to the Treasurer of the County of Bedford, Virginia and held by such treasurer subject to appropriation by the board of supervisors to the sheriff's office for the funding of courthouse security.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority, Code of Virginia, § 53.1-120.

Sec. 1-14. Jail processing fee.

There is hereby assessed as part of the fees taxed as cost the sum of twenty-five dollars (\$25.00) upon any individual admitted to the county or regional jail following conviction within Bedford County of a felony, misdemeanor or violation of a local ordinance of Bedford County. Said fees shall be assessed by the clerk of the court in which the conviction occurred, with the other cost of the court proceedings and deposited with the Treasurer of Bedford County and shall be used by the Sheriff of Bedford County upon appropriation by the board of supervisors to defray the cost of processing the convicted arrested persons into the local or regional jail.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority, Code of Virginia, § 15.2-1613.1.

Sec. 1-15. Electronic summons system fee; amount; administration.

There is hereby imposed, in addition to any other fees prescribed by law, the sum of \$5.00 in each criminal and traffic case in which the defendant is convicted of a violation of any statute of the commonwealth or any ordinance of the county filed in the general district court, juvenile and domestic relations court, and the circuit court. The clerk of court in which the action is filed shall collect the assessment and remit it to the county treasurer. The county treasurer, subject to appropriation by the board of supervisors, shall disburse such funds in accordance with Virginia Code, § 17.1-279.1.

(Ord. No. O081015-17a, 8-10-2015, eff. 9-1-2015; O022420-12, 02-24-2020)

Secs. 1-16—1-40. Reserved.

ARTICLE II. UNCLAIMED PROPERTY

Sec. 1-41. 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:

Unclaimed personal property means any personal property belonging to another which has been acquired by the sheriff pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by

its rightful owner, and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-42. When sale authorized.

Whenever unclaimed personal property has been in the possession of the sheriff and unclaimed for a period of more than sixty (60) days, the sheriff may cause the property to be sold at public sale or retained for use by the sheriff.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-43. Destruction of firearms and other weapons.

(a) Whenever unclaimed firearms and other weapons have been in the possession of the sheriff for a period of more than sixty (60) days, the sheriff, at his discretion, may destroy such unclaimed firearms and other weapons by any means which renders the firearms and other weapons permanently inoperable. For the purposes of this section, the term "unclaimed firearms and other weapons" shall be defined the same as the term "unclaimed personal property".

(b) Prior to the destruction of such firearms and other weapons, the sheriff shall comply with the notice provisions of the Virginia Code, and as set forth herein in section 1-44.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-44. Pre-sale requirements.

Prior to the sale or retention of any unclaimed personal property, the sheriff shall: (i) make reasonable attempts to notify the rightful owner of the property; (ii) obtain from the commonwealth's attorney a statement, in writing, advising that any such item of property is not needed in any criminal prosecution; and (iii) cause to be published, in a newspaper of general circulation in the county once a week for two (2) successive weeks, notice that there will be a sale of unclaimed personal property. Such property, including property selected for retention or destruction by the sheriff, shall be described generally in the notice, together with the date, time and place of sale, and shall be made available for public viewing at the sale.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-45. Disposition of proceeds.

(a) From the proceeds of sale, the sheriff shall pay the costs of advertisement, removal, storage, investigation as to ownership and liens, and publishing notice of sale. The sheriff shall hold the balance of the funds. If the owner has not made claim for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the county and the retained property may be placed into use by the sheriff. Any owner whose property was sold may apply to the county within three (3) years from the date of the sale and, if timely application is made with satisfactory proof of ownership, the county shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made, nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.

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- (b) The sheriff shall retain unclaimed property if, in his opinion, there is a legitimate use for the property by the county and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

(Ord. No. O1210-162, 12-10-2012)

ARTICLE III. OFFENSES

DIVISION 1. GENERALLY

Sec. 1-46. Reimbursement for expenses incurred from methamphetamine lab cleanup.

Any person convicted of an offense for the manufacture of methamphetamine under Code of Virginia §§ 18.2-248 or 18.2-248.3 shall, at the time of sentencing or in a separate civil action, be liable to the County of Bedford for restitution of expenses incurred in the cleanup of any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses incurred associated with cleanup, removal or repair of the affected property, or the replacement cost of personal protective equipment used.

(Ord. No. O1210-162, 12-10-2012)

Sec. 1-47 Designation of sheriff as agent for enforcement of no-trespass directives.

Any owner of real property in the County of Bedford may, in writing on a form prescribed by the Sheriff of Bedford County, designate the sheriff's office as an agent or person lawfully in charge thereof (as that term is used in Virginia Code § 18.2-119, as amended), for the purpose of forbidding another to go or remain upon the lands, buildings or premises of such owner. Such designation shall include a description of the land(s), building(s), or premises to which it applies; shall reference the period of time during which time it is in effect; and shall be kept on file in the Bedford County Commonwealth's Attorney office or in such other location within the sheriff's office as the sheriff deems appropriate.

(Ord. No. O092319-05, 9-23-2019)

Secs. 1-48—1-50. Reserved.

DIVISION 2. BEGGING AND PANHANDLING IN PUBLIC PLACES

Sec. 1-51. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive manner means and includes:

- (a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, or continuing to solicit the person being solicited (1) after the person has made a negative response or (2) if the person does not have the ability to reasonably avoid being solicited (e.g., transacting business at an ATM or awaiting entrance to a building or event), if that conduct is intended or is likely to cause a reasonable person to

- (i) Fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any crime, or
- (ii) Otherwise be intimidated into giving money or other thing of value;
- (b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging;
- (c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or
- (d) Using obscene or abusive words or violent or threatening gestures toward a person solicited.

Public place means any highway, street, lane, park, or other place owned by a government entity within the County of Bedford limits and open to the public.

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. A solicitation may take the form of, without limitation, the spoken, written or printed word, or by other means of communication (for example: an outstretched hand, an extended cup or hat, etc.).

Sec. 1-52. Intent; penalty.

- (a) Solicitation of donations is protected by the First Amendment to the U.S. Constitution and therefore is permitted in public places except as otherwise provided in this Code. The Board of Supervisors finds that aggressive soliciting can interfere with the right and ability of the public to move freely in public spaces, and that restrictions on aggressive soliciting will promote and maintain the public purposes of security, general welfare, comfort, peace, health, trade, commerce and industry. A prohibition on soliciting from vehicles serves the public health, safety and welfare but does not violate rights guaranteed by the First Amendment to the U.S. Constitution. In light of these findings and the public purposes enumerated, it is the intent of the Board of Supervisors to enact narrowly tailored and content-neutral restrictions on the time, place, and manner of solicitation, and to leave open ample alternative avenues for individuals and groups to solicit donations.
- (b) It shall be a Class 4 misdemeanor for any person to solicit in violation of section 1-53.

Sec. 1-53. Prohibited activities.

- (a) For the reasons stated herein, no person shall solicit money or other things of value in an aggressive manner in any public place.
- (b) For the reasons stated herein, no person shall solicit money or other things of value from an occupant of a motor vehicle while the vehicle is in a travel lane within 150 feet of any corner or at any intersection.

Secs. 1-54—1-70. Reserved

(Ord. No. O061322-09, 06-13-2022)

Chapter 2 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. County nursing home rates.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance establishing the rates to be paid for patient care at the Bedford County Nursing Home and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-2. Fee for passing bad check to county.

Any person who utters, publishes or passes any check or draft, for payment of taxes or any other sums due the county, which, is subsequently returned for insufficient funds or because there is no account or the account has been closed, shall pay to the county a fee, in the amount of fifty dollars (\$50.00), in addition to the amount of such check or draft.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority, Code of Virginia, § 15.2-106.

Sec. 2-3. Emergency units designated as parts of county's official safety program.

The following emergency units are hereby designated as integral parts of the county's official safety program:

- (1) Montvale Volunteer Fire Company, Inc.
- (2) Montvale Rescue Squad, Inc.
- (3) Stewartville-Chamblissburg Volunteer Fire Co., Inc.
- (4) Chamblissburg First Aid and Rescue Crew, Inc.
- (5) Stewartville First Aid and Rescue Squad, Inc.
- (6) Moneta Volunteer Fire Department, Inc.
- (7) Moneta Rescue Squad, Inc.
- (8) Huddleston Volunteer Fire Department, Inc.
- (9) Huddleston Life Saving & First Aid Crew, Inc.
- (10) Forest Volunteer Fire Co., Inc.
- (11) Goode Volunteer Rescue Squad.
- (12) Big Island Volunteer Fire Co., Inc.

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- (13) Big Island Emergency Crew, Inc.
 - (14) Bedford Life Saving & First Aid Crew, Inc.
 - (15) Bedford Volunteer Fire Co., Inc.
 - (16) Smith Mountain Lake Marine Volunteer Fire Department.
 - (17) Boonsboro Volunteer Fire & Rescue Co., Inc.
 - (18) Hardy Volunteer Fire Co., Inc.
 - (19) Saunders Volunteer Fire Co., Inc.
 - (20) Hardy Life Saving & Rescue, Inc.
 - (21) Shady Grove Volunteer Fire & Rescue Squad, Inc.

(Ord. No. O1210-162, 12-10-2012)

Editor's note(s)—The ordinance from which the above section was derived was adopted pursuant to the state's Line of Duty Act (Code of Virginia, §§ 9.1-400—9.1-406).

Secs. 2-4—2-13. Reserved.

ARTICLE II. OFFICE OF EMERGENCY SERVICES¹

Sec. 2-14. Purpose of article.

This article is adopted in order to develop and maintain an emergency services organization to ensure that preparations are adequate to deal with disasters or emergencies resulting from enemy attack, sabotage or other hostile action, resource shortage, or from fire, flood, earthquake or other natural cause, and generally to protect the public peace, health and safety and to preserve the lives and property and economic well-being of the people of the county.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-15. Office established; director designated.

There is hereby established a county office of emergency services. The head of such office shall be known as the director of emergency services. Such director shall be a member of the board of supervisors selected by the board.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Local agency of emergency services, Code of Virginia, § 44-146.19.

¹Editor's note(s)—Ord. No. O1210-162, adopted Dec. 10, 2012, amended art. II in its entirety to read as herein set out. Former art. II, §§ 2-14—2-19, pertained to similar subject matter, and derived from an ordinance adopted Feb. 10, 1975; and Ord. of Mar. 11, 2002.

State law reference(s)—Emergency Services and Disaster Law, Code of Virginia, § 44-146.13 et seq.

Sec. 2-16. General duties of director; cooperation from other county offices and personnel.

The director of emergency services shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure, and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-17. Appointment of coordinator and other office personnel.

The director of emergency services shall have authority to appoint a coordinator of emergency services and to authorize the appointment of such other personnel as is necessary for the office of emergency services, with the consent of the board of supervisors.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 44-146.19.

Sec. 2-18. Emergency operations plan; mutual aid agreements.

The director of emergency services shall prepare or cause to be prepared and kept current a local emergency operations plan. He may, in collaboration with other public and private agencies develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.

(Ord. No. O1210-162, 12-10-2012)

Editor's note(s)—An emergency operations plan prepared pursuant to the above section was approved by a resolution of the board of supervisors adopted Mar. 8, 1976.

State law reference(s)—Local emergency operations plan required and authority as to mutual aid agreements, Code of Virginia, § 44-146.19.

Sec. 2-19. Declaration of local emergency.

- (a) A local emergency, as defined in Code of Virginia, § 44-146.16(6), may be declared by the director of emergency services, with the consent of the board of supervisors. In the event the board cannot convene due to the disaster, the director or any member of the board, in the absence of the director, may declare the existence of a local disaster, subject to confirmation by the entire board at a special meeting within five (5) days of the declaration. The board, when in its judgment, all emergency actions have been taken, shall take appropriate action to end the declared emergency.
- (b) A declaration of a local emergency shall activate the response and recovery programs of all applicable local and interjurisdictional emergency operation plans and authorize the furnishing of aid and assistance thereunder.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 44-146.21.

Secs. 2-20—2-29. Reserved.

ARTICLE III. PLANNING COMMISSION

Sec. 2-30. Created.

There is hereby created a planning commission for the county.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Duty to create planning commission, Code of Virginia, § 15.2-2210.

Sec. 2-31. Composition; appointment of members.

The planning commission shall consist of one (1) member from each election district of the county appointed by the board of supervisors.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Composition of planning commission and appointment of members, Code of Virginia, § 15.2-2212.

Sec. 2-32. Qualifications of members.

Members of the planning commission shall be qualified, by knowledge and experience, to make decisions on questions of community growth and development. At least one-half of such members shall be owners of real property.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2212.

Sec. 2-33. Terms of members; filling of vacancies.

The members of the planning commission shall be appointed for terms of four (4) years each and shall be concurrent with those of the board of supervisors from the respective election district. Vacancies on the commission shall be filled by appointment of the board of supervisors for the unexpired term.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2212.

Sec. 2-34. Compensation of members.

All members of the planning commission shall receive compensation, per meeting, and reimbursement for necessary travel and other expenses incurred in the performance of their duties. The amount of compensation and mileage rates may be changed by resolution of the board of supervisors.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority to provide for compensation of planning commission members, Code of Virginia, § 15.2-2212.

Sec. 2-35. Removal of members.

Any appointed member may be removed by the board of supervisors for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three (3) consecutive meetings of the commission, or is absent from any four (4) meetings of the commission within any twelve-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority to remove planning commission members, Code of Virginia, § 15.2-2212.

Sec. 2-36. General functions, powers and duties.

The planning commission shall have all the functions, powers and duties which are prescribed by state law.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-37. Work program and comprehensive plan.

As soon as practicable after the appointment of the members thereof, the planning commission shall prepare a program of work and shall adopt the same after consultation with the board of supervisors. Such program or work shall outline the activities in which the commission expects to engage in:

- (1) Assembling such data regarding the county and adjacent territory as the commission may deem to be necessary in exercising its functions, powers and duties;
- (2) Analyzing such data and making such studies as may be necessary in the preparation of a comprehensive plan for the county;
- (3) Preparing the comprehensive plan as a general guide for the development of the county and as a basis for the preparation of zoning and other regulations; and
- (4) Recommending to the board of supervisors appropriate procedures for effectuating the plan.

(Ord. No. O1210-162, 12-10-2012)

Secs. 2-38—2-47. Reserved.

ARTICLE IV. ECONOMIC DEVELOPMENT AUTHORITY

DIVISION 1. GENERALLY

Sec. 2-48. Created; name.

There is hereby created, pursuant to the provisions of the Industrial Development and Revenue Bond Act of the Code of Virginia, §§ 15.2-4900—15.2-4920, a political subdivision of the commonwealth to be known as an Economic Development Authority of the County of Bedford, Virginia.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Authority, § 15.2-4903.

Sec. 2-49. Powers and duties.

The economic development authority shall have the powers, duties and obligations set forth in Code of Virginia, §§ 15.2-4900—15.2-4920, as now existing or as any of such sections may hereafter be amended.

(Ord. No. O1210-162, 12-10-2012)

Secs. 2-50—2-54. Reserved.

DIVISION 2. BOARD OF DIRECTORS

Sec. 2-55. Generally.

The economic development authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven (7) directors, appointed by the board of supervisors.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 2-56. Terms and oath of members; county officers and employees not eligible to serve.

The seven (7) directors provided for in section 2-55 shall be appointed initially for terms of one (1) , two (2), three (3) and four (4) years, two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms and one (1) being appointed for a four (4)-year term. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms. Each director shall, before entering upon his duties, take and subscribe the oath prescribed by Code of Virginia, § 49-1. No director shall be an officer or employee of the county.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 2-57. Election of officers; reimbursement of members for travel and other expenses.

The board of directors of the economic development authority shall elect from its membership a chairman, a vice-chairman, and from its membership or not, as it desires, a secretary and a treasurer, or a secretary-treasurer.

The directors shall receive compensation, per meeting, and shall be reimbursed for necessary travel and other expenses incurred in the performance of their duties. The amount of compensation and mileage rates may be changed by resolution of the board of supervisors.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 2-58. Quorum.

Four (4) members of the board of directors of the economic development authority shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of all members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 2-59. Minutes of proceedings; financial records.

The board of directors of the economic development authority shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by Code of Virginia, § 30-140, it shall arrange to have the same audited annually. Copies of such audit shall be furnished to the board of supervisors and shall be open to public inspection.

(Ord. No. O1210-162, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-4904.

Sec. 2-60. Reserved.

DIVISION 3. BEDFORD COUNTY TECHNOLOGY ZONE

Sec. 2-61. Short title.

This division shall be known and may be cited as the "Bedford County Technology Zone Ordinance."

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-62. Statement of purpose.

The County of Bedford finds that the development of its commercial and industrial tax base requires incentives. The Virginia Technology Zones Act, Code of Virginia, § 58.1-3850 et seq., as amended, authorizes the establishment of one (1) or more technology zones by ordinance. It is the purpose of the Technology Zone Act, and of this division, to stimulate business and industrial growth within the area so designated as the Bedford County Technology Zone, by means of local incentives more particularly set forth herein.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-63. Administration.

The technology zone administrator shall be the county administrator or his designee. The county administrator shall determine and publish the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-64. Definitions.

As used in this division, the following definitions shall apply:

Existing business. A business firm that was actively engaged in the conduct of trade or business in an area prior to such an area being designated as a technology zone or that was engaged in the conduct of trade or business in the commonwealth and relocates to begin operation of a trade or business within the technology zone and whose primary operation is listed in this section.

New business. A business not previously conducted in the commonwealth that begins operation in a technology zone after the zone was designated. A new business is also one created by the establishment of a new facility and new permanent full-time employment by an existing business firm in a technology zone and does not result in a net loss of permanent full-time employment outside the zone and whose primary operation is listed in this section.

Qualified technology business. A qualified technology business is one engaged in the activities of research, development, or manufacture of commodities used in biotechnology, computer hardware or software, electronics, telecommunications, systems integration, testing and measurements, e-commerce, factory automation, internet services, sub-assemblies and components, medical and pharmaceutical products, photonics, advanced materials, architecture and engineering, defense, energy, and transportation. While there may be other business categories that could be interpreted as technology businesses, the determination will be based upon the nature of the work and/or research involved. In no case will the use of computers or telecommunication devices or services used by a firm in its internal operations qualify the business as a technology business according to the guidelines herein.

Technology zone. The area as defined in section 2-604 herein and declared by the Board of Supervisors of Bedford County, Virginia to be eligible for the benefits accruing under the Virginia Technology Zone Act, Code of Virginia, § 58.1-3850 et seq.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-65. Boundaries of the Bedford County Technology Zone.

The boundaries of the Bedford County Technology Zone are set forth on the map entitled, "Bedford County Technology Zone," which is on file in the office of the County Administrator of the County of Bedford, Virginia, the area of which has been declared an technology zone by the Board of Supervisors of the County of Bedford, Virginia in accordance with the Virginia Technology Zone Act.

(Ord. No. O1210-162, 12-10-2012)

Sec. 2-66. Technology zone incentive package.

(a) Recognizing that there are many variations of technology companies, there is established, three (3) tiers of technology companies:

- (1) *Tier No. 1*—Five hundred thousand dollar (\$500,000.00) capital investment and twenty-five (25) jobs.
- (2) *Tier No. 2*—Fifty thousand dollar (\$50,000.00) capital investment and five (5) jobs.
- (3) *Tier No. 3*—Twenty-five thousand dollar (\$25,000.00) capital investment and three (3) jobs.

Recognizing that the nature of technology business is ever changing and that a technology ordinance lacks the necessary flexibility to address changes, the county administrator or his designee, is authorized to develop rules and regulations to carry forth the intention of this division as the same relates to the nature of incentive packages, especially as the same relates to the tiers of capital investment and job creation, the amount of growth potential of the business and other factors as the county administrator deems necessary.

Also recognizing that technology companies may invest at much greater capital investment levels than the above tier levels, but may hire a lower number of employees, at start up, due to technological advances such as robotics and other factors, the economic development authority shall have the flexibility to address lower threshold job levels when the offset is to the benefit of the county.

(b) Technology zone incentives may be offered as a one-time, up-front contribution towards the development costs associated with a project, or may be provided as a reimbursement or rebate, depending upon the nature and scope of the development. A qualified technology company may be eligible to receive one (1) or all of the following:

- (1) A discount, based upon the level of employment and investment generated by the business, of up to one hundred (100) percent of the following:
 - a. Purchase price of the land within the technology zone, where applicable;
 - b. Cost of water connection fees;
 - c. Cost of sanitary sewer connection fees.
- (2) A discount on fees associated with new construction, including but not limited to, building permit, plan review, and land disturbance fees, of up to one hundred (100) percent based upon and in accordance with the scope of the project.
- (3) A site preparation and/or infrastructure improvement grant, based upon the nature and scope of the project.
- (4) A one-time local job training grant for up to five hundred dollars (\$500.00) per employee, for a qualified technology business which is ineligible for the Virginia Workforce Services Training Grant Program; the grant is provided only for new, full-time permanent positions created within the technology zone.

(c) A qualified technology business shall be eligible for the following reduction in taxes:

- (1) *Machinery and tools tax:*
 - a. 60% - 70% for the first two (2) years.
 - b. 40% - 50% for the next two (2) years.
 - c. 20% - 30% for the final year (or two (2) years, if applicable).
- (2) *Business furniture and fixtures personal property tax:*
 - a. 60% - 70% for the first two (2) years.

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- b. 40% - 50% for the next two (2) years.
 - c. 20% - 30% for the final year (or two (2) years, if applicable).
- (d) All business firms shall be eligible for building permit fees rebate and public service authority fee rebate, which locate within the boundaries of the technology zone as herein defined.
- (e) The incentive package shall apply for a maximum of six (6) years or until such time that the business no longer operates as a qualified technology business. The actual length shall be set forth in the performance agreement between the qualified technology business and the county.
- (Ord. No. O1210-162, 12-10-2012)

Sec. 2-67. Eligibility requirements.

- (a) The proposed business use must be consistent and in compliance with the planned industrial development district (PID) zoning and the restrictive covenants and conditions of the New London Technology Park.
- (b) A technology business must be, at the time of application, current in all local, state and federal taxes and appropriate user fees, to which the business shall certify to the administrator upon application and annually thereafter.
- (Ord. No. O1210-162, 12-10-2012)

Secs. 2-68, 2-69. Reserved.

ARTICLE V. PUBLIC SERVICE AUTHORITY

Sec. 2-70. Created.

The Bedford County Public Service Authority was created by resolution (O.B. 21, Page 82) of the board of supervisors on June 29, 1970, pursuant to the provisions of the Virginia Water and Waste Authorities Act, Code of Virginia, §§ 15.2-5100—15.2-5158.

(Ord. of 3-11-2002)

Sec. 2-71. Purpose.

The purposes for which the public service authority was created are: the acquisition, construction, operation and maintenance of water systems, sewer systems, systems for the collection and treatment of sewage, and garbage and refuse collection and disposal systems, and for the purpose of exercising the powers conferred by the Virginia Water and Sewer Authorities Act in relation to the foregoing.

(Ord. of 3-11-2002)

Cross reference(s)—Solid waste, ch. 16; water and sewers, ch. 18.

Sec. 2-72. Powers and duties.

The public service authority shall have the same powers, duties and obligations as set forth in the Virginia Water and Waste Authority Act, Chapter 51 (Code of Virginia, § 15.2-4900 et seq.).

(Ord. of 3-11-2002)

Sec. 2-73. Composition; appointment of members.

The public service authority shall consist of one (1) member from each election district of the county and all members shall be appointed by the board of supervisors.

(Ord. of 3-11-2002)

Sec. 2-74. Terms of members; filling of vacancies.

The members of the public service authority shall be appointed for terms of four (4) years and until their successors have been duly appointed and qualified. Vacancies on the authority shall be filled by appointment of the board of supervisors for the unexpired term.

(Ord. of 3-11-2002)

Sec. 2-75. Compensation of members.

All members of the public service authority shall receive compensation, per meeting, and reimbursement for necessary travel and other expenses incurred in the performance of their duties. The amount of compensation and mileage rates may be changed by resolution of the board of supervisors.

(Ord. of 3-11-2002)

ARTICLE VI. DISCLOSURE OF PERSONAL INTERESTS BY COUNTY EMPLOYEES

Sec. 2-76. Purpose.

To enhance citizen confidence in local government, the disclosure of personal interests of certain county employees is required in accordance with the Virginia State and Local Government Conflict of Interests Act.

(Ord. of 10-12-2004)

Sec. 2-77. When and by whom required.

Annually, on or before February 1 each year and in any case prior to assuming employment as a county employee, the following employees shall make disclosure of their personal interests on the forms required by Code of Virginia, § 2.2-3117, and shall file a copy thereof with the clerk to the board of the county supervisors: The members of the Board of Supervisors, the County Administrator and Deputy and Assistant County Administrators, County Attorney and Assistant County Attorneys, Clerk of the Circuit Court, Commonwealth Attorney, Commissioner of the Revenue, Treasurer, Sheriff, the Administrator of the Bedford County Nursing Home, the Director of the Bedford Regional Water Authority, the Director of the Bedford County Department of Social Services; the Director and all members of the Economic Development Authority; and the individual directors of all County departments.

(Ord. of 10-12-2004; O121123-04, 12-11-2023)

Sec. 2-78. Maintenance of disclosure forms; availability for public inspection.

The clerk to the board of county supervisors shall be responsible for the maintenance of the forms referred to in section 2-77. Such forms shall be retained by the clerk for five (5) years and be available for public inspection upon request under the provision of the Virginia Freedom of Information Act.

(Ord. of 10-12-2004)

Sec. 2-79. Additional disclosure.

Nothing contained in this article shall be deemed to relieve any person subject to the Virginia State and Local Government Conflict of Interests Act, from any requirement of disclosure of his or her personal interest in a transaction of specific application, not otherwise identified in the forms required hereby, or from the additional disclosure required by § 2.2-3115 of the Act.

(Ord. of 10-12-2004)

ARTICLE VII. PROCUREMENT

DIVISION 1. GENERAL

Sec. 2-80. Statement of purpose.

The purpose of this article is to provide for fair and equitable public purchasing, to maximize the purchasing value of public funds, and to provide safeguards for maintaining a procurement system of quality and integrity.

(Ord. No. O-0308-42, 3-10-2008)

Sec. 2-81. Compliance with Virginia Public Procurement Act.

All procurement by the county from nongovernmental sources shall be carried out in accordance with the Virginia Public Procurement Act. Except for those functions specifically reserved by the board of supervisors, the board shall implement the provisions of the Act by and through the county administrator.

(Ord. No. O-0308-42, 3-10-2008)

State law reference(s)—Similar provisions, Code of Virginia, § 2.2-4300.

Sec. 2-82. Regulations.

The county administrator shall establish and promulgate regulations, in accordance with and implementing the Virginia Public Procurement Act. Procurement by the county shall be conducted pursuant to applicable law and the regulations, a copy of which shall be available in the county administrator's office.

(Ord. No. O-0308-42, 3-10-2008)

Secs. 2-83—2-93. Reserved.

*DIVISION 2. PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT
OF 2002 AND DESIGN-BUILD OR CONSTRUCTION MANAGEMENT CONTRACTS*

Sec. 2-94. Introduction.

While the competitive sealed bid process remains the preferred method of construction procurement of the County of Bedford, there are projects that lend themselves to either the utilization of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), as set forth in Section 56-566 et seq.; or Design-Build or Construction Management Contracts (Design Build) as set forth in Code of Virginia, § 2.2-4306 et seq.

(Ord. No. O-0308-42, 3-10-2008)

Sec. 2-95. Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) guidelines.

The board of supervisors finds that there are occasions where there is a public need to embark upon a construction project by the use of the Public-Private Education Facilities and Infrastructure Act of 2002. The board has adopted guidelines for the implementation of the Public-Private Education Facilities and Infrastructure Act of 2002, by action taken on the 24th day of October 2005, as amended by its action on the 28th day of August 2006. The county's guidelines, as amended from time to time, are incorporated by reference into this article.

(Ord. No. O-0308-42, 3-10-2008)

Sec. 2-96. Design-build contracts.

- (a) While the competitive sealed bid process remains the preferred method of construction procurement for the county, the board finds that there are occasions where there is a public purpose to enter into a contract for construction on a fixed price or not-to-exceed price design-build basis, provided the county complies with the requirements of this section and has obtained the approval of the Commonwealth of Virginia Design-Build/Construction Management Review Board (the review board) pursuant to Code of Virginia, § 2.2-2406 (1950), as amended, if required. Provided, however, that projects undertaken pursuant to Code of Virginia, § 2.2-4303(D)(2) (1950), as amended, shall be exempt from approval of the review board.
- (b) Prior to making a determination as to the use of design-build or construction management for a specific construction project, the county shall employ or contract with a licensed architect or engineer with professional competence appropriate to the project, to advise the county regarding the use of design-build or construction management for that project and to assist in the preparation of the request for qualifications and the request for proposals and the evaluation of such proposals.
- (c) The following procedures shall be followed in the selection and evaluation of offerors and award of design-build and construction management contracts:
 - (1) Prior to the issuance of a request for qualifications, the county administrator shall:
 - a. Determine that a design-build or construction management contract is more advantageous for the construction project than a competitive sealed bid construction contract, that there is benefit to the county in using a design-build or construction management contract, and that competitive

sealed bidding is not practical or fiscally advantageous. The basis for this determination shall be documented in writing; and

- b. Obtain approval by the review board of the use of a design-build or construction management contract for the construction project, unless exempt pursuant to Code of Virginia, § 2.2-4303(D)(2).
- (2) Upon approval by the review board of the use of a design-build or construction management contract for the specific construction project presented to the review board, the county administrator shall appoint an evaluation committee of not less than three (3) members, one (1) of whom shall be the architect or professional engineer employed by or under contract with the county pursuant to subsection (b).
- (3) *Prequalification of potential offerors.*
- a. The county administrator shall issue a notice of request for qualifications from potential offerors by posting on a public bulletin board and advertising in a newspaper of general circulation in the county at least ten (10) days preceding the last day set for the receipt of qualifications. In addition, qualifications may be solicited directly from potential offerors. The request for qualifications shall indicate in general terms that which is sought to be procured, specifying the criteria which will be used in evaluating the potential offerors' qualifications, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications which will be required of offerors. The request for qualifications shall request of potential offerors only such information as is appropriate for an objective evaluation of all potential offerors pursuant to such criteria. The county administrator shall receive and consider comments concerning specifications or other provisions in the request for qualifications, prior to the time set for receipt of qualifications.
 - b. The evaluation committee shall evaluate each responding potential offeror's qualifications submittal and any other relevant information, and shall select a minimum of two (2) offerors deemed fully qualified and best suited on the basis of the criteria contained in the request for qualifications. An offeror may be denied prequalification only upon those grounds specified in Code of Virginia, § 2.2-4317 (1950), as amended. At least thirty (30) days prior to the date established for the submission of proposals, the purchasing agent shall advise in writing each potential offeror whether that offeror has been selected. In the event that a potential offeror is not selected, the written notification to such potential offeror shall state the reasons therefor.
- (4) *Request for proposals.*
- a. The county administrator shall issue a request for proposals to the selected offerors at least ten (10) days prior to the date set for receipt of proposals. The request for proposals shall include and define the requirements of the specific construction project in areas such as site plans, floor plans, exterior elevations, basic building envelope materials, fire protection information plans, structural, mechanical (HVAC) and electrical systems, and special telecommunications. The request for proposals may also define such other requirements as the county administrator deems appropriate for the construction project. In the case of a construction management contract, the request for proposals shall also define the pre-design, design phase, bid phase and/or construction phase services to be performed by the construction manager. The request for proposals shall specify the evaluation criteria to be used by the evaluation committee to evaluate proposals. The county administrator shall receive and consider comments concerning specifications or other provisions in the request for proposals, prior to the time set for receipt of proposals.
 - b. Each selected offeror shall submit a cost proposal and a technical proposal. Cost proposals shall be sealed separately from technical proposals and, in the case of a construction management contract, shall include the offeror's lump sum price for all requested preconstruction phase

services. A lump sum price or guaranteed maximum price shall be established for all requested construction services. Upon receipt of an offeror's technical and cost proposals, the offeror's cost proposal shall be secured by county administrator and kept sealed until evaluation of all technical proposals is completed.

- c. The evaluation committee shall evaluate each technical proposal based on the criteria set forth in the request for proposals. As a part of the evaluation process, the evaluation committee shall grant each of the offerors an equal opportunity for direct and private communication with the evaluation committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with offerors, the evaluation committee shall exercise care to discuss the same owner information with all offerors. In addition, the evaluation committee shall not disclose any trade secret or proprietary information for which the offeror has invoked protection pursuant to Code of Virginia, § 2.2-4342(F). Based upon its review of each offerors technical proposal, the evaluation committee shall determine whether any changes to the request for proposals should be made to correct errors or omissions or to clarify ambiguities in the request for proposals, or to incorporate project improvements or additional details identified by the committee during its review. Any such changes shall be set out in an addendum to the request for proposals. Each offeror shall be provided an opportunity to amend or supplement its technical proposal to address the changes.
 - d. Based on final technical proposals, the evaluation committee shall conduct negotiations with the offerors. After negotiations have been conducted, offerors may submit sealed additive and/or deductive modifications to their cost proposals.
 - e. Following receipt of the cost proposal modifications, the evaluation committee shall publicly open, read aloud and tabulate the cost proposals including any modifications submitted by an offeror.
- (5) *Final selection of design-builder.*
- a. Following opening of cost proposals, the evaluation committee shall make its recommendation to the county administrator based upon its evaluation and negotiations.
 - b. Following receipt of the recommendation of the evaluation committee, the county administrator shall award the design-build contract, as specified in the request for proposals, to: (a) the offeror which has submitted an acceptable technical proposal at the lowest cost; (b) the offeror which, in the opinion of the county administrator, has made the best proposal; or (c) the offeror meeting the criteria otherwise specified in the request for proposals.
- (6) *Final selection of construction manager.*
- a. Following the opening of cost proposals, the evaluation committee shall make its recommendation to the county administrator based on its evaluation and negotiations. In making its recommendation, price shall be considered, but need not be the sole determining factor.
 - b. Following receipt of the recommendation of the evaluation committee, the board of supervisors shall select the offeror which, in the opinion of the board of supervisors, has made the best proposal, and shall award the contract to that offeror. Should the evaluation committee determine in writing that only one (1) offeror is fully qualified, or that one (1) offeror is clearly more highly qualified than the other offerors under consideration, a contract may be negotiated and awarded to that offeror.
 - c. For any guaranteed maximum price construction management contract, the contract shall provide that not more than ten (10) percent of the construction work (measured by the cost of the work) shall be performed by the construction manager with its own forces, that the remaining ninety (90) percent of the construction work shall be performed by subcontractors of the construction

manager, and that the construction manager shall procure such work by competitive sealed bidding or competitive negotiation.

- (7) Trade secrets or proprietary information provided by an offeror in response to a request for qualifications or a request for proposals shall not be disclosed to the public or to competitors, provided the offeror has invoked protection pursuant to Code of Virginia, § 2.2-4342.
- (8) The county shall submit information for post-project evaluation when requested by the review board.
- (d) Subject to the approval of the board of supervisors, the county administrator may promulgate such additional procedures, not inconsistent with the provisions of this section or the rules and regulations of the review board, and consistent with the procedures for the procurement of nonprofessional services through competitive negotiation, as he deems necessary and appropriate to effect the selection and evaluation of offerors and the award of design-build and construction management contracts.

(Ord. No. O-0308-42, 3-10-2008)

Chapter 3 AMUSEMENTS

ARTICLE I. IN GENERAL

Secs. 3-1—3-10. Reserved.

ARTICLE II. PUBLIC DANCE HALL

DIVISION 1. GENERALLY

Sec. 3-11. Defined.

For the purposes of this article, the term "public dance hall" shall mean any place open to the general public where dancing is permitted.

(Ord. of 9-13-76, § 2; Ord. of 11-15-00)

Sec. 3-12. Violations of article.

Any person violating any provision of this article shall be guilty of a Class 3 misdemeanor.

(Ord. of 9-13-76, § 9; Ord. of 9-23-96; Ord. of 11-15-00)

Cross reference(s)—Penalty for Class 3 misdemeanor, § 1-10.

Sec. 3-13. Exemptions from article.

This article shall not apply to dances held for benevolent or charitable purposes or to dances conducted under the auspices of religious, educational, civic or military organizations; except that the operators of such dances which are open to the general public must obtain a written confirmation from the county administrator that said dance is exempt from the provisions of this article.

(Ord. of 9-13-76, § 10; Ord. of 11-15-00)

State law reference(s)—Authority for above exemption, Code of Virginia, § 18.2-433.

Sec. 3-14. Operating hours.

No public dance hall shall be open except between the hours of 9:00 a.m. and 2:00 a.m. the next day.

(Ord. of 9-13-76, § 5; Ord. of 11-15-00)

Sec. 3-15. Dances to be conducted in orderly manner.

All dances or similar functions held in a public dance hall pursuant to the permits and license issued under this article shall be conducted and maintained in a proper and lawful manner and in such fashion so that the sights and sounds therefrom, or anything else in connection with the operation thereof, will not constitute a public nuisance or disturbance to the neighborhood and those living in the vicinity of such dance hall.

(Ord. of 9-13-76, § 6; Ord. of 11-15-00)

Sec. 3-16. Certain minors prohibited.

It shall be unlawful for any person under the age of fifteen (15) years to visit, frequent or loiter in any public dance hall or for the proprietor thereof or his agent to permit any such minor to visit, frequent or loiter in such dance hall.

(Ord. of 9-13-76, § 7; Ord. of 11-15-00)

State law reference(s)—Authority for above section, Code of Virginia, § 18.2-432.

Secs. 3-17—3-22. Reserved.

DIVISION 2. PERMIT

Sec. 3-23. General requirement.

No person shall operate or conduct a public dance hall in the county, unless he has current annual permits so to do issued pursuant to the provisions of this division.

(Ord. of 9-13-76, § 1; Ord. of 11-15-00)

Sec. 3-24. Required permits.

- (a) No person shall, in the county, operate or conduct a public dance hall, without:
- (1) A permit from the sheriff, which permit shall bear the approval of the sheriff as to the good moral character of the individual, or of each member of the firm, or of each officer of the corporation, as the case may be, and state that he is satisfied with the individual, the members of the firm or the officers of the corporation, as the case may be, are of good moral character and fit to engage in the business of a public dance hall;
 - (2) A permit from the building official which certifies that the structure in which the dance hall is to be located complies with the provisions of the Virginia Uniform Statewide Building Code which regulate building construction for the proposed new occupancy and that such occupancy would not result in a hazard to public health, safety, or welfare;
 - (3) A permit from the director of planning, which permit shall bear the approval of the director of planning indicating that the zoning requirements have been fulfilled for the proposed dance hall.
- (b) The application form for the permits shall be in triplicate and furnished by the county administrator and shall be available at his office. The sheriff, building official, and the director of planning, upon completion of their

investigations, shall furnish one (1) copy of the approved or disapproved permit to the applicant. The county administrator shall thereupon authorize issuance to the applicant an annual license to operate a public dance hall if the permits are approved, or deny the issuance of a license if any permit is disapproved.

(Ord. of 9-13-76, § 3; Ord. of 11-15-00)

Sec. 3-25. Security officer required.

At least one (1) deputy, peace officer or special police officer shall be provided, at the expense of the owner or operator, for every one hundred (100) patrons, or portion thereof, in attendance at any public dance hall.

(Ord. of 9-13-76, § 3; Ord. of 7-12-88, § 1; Ord. of 11-15-00)

Sec. 3-26. Revocation.

Any permit issued under this division may be revoked at any time by the county administrator for violation of this article, or for violation of any other applicable regulation, ordinance or law, or for good cause shown.

(Ord. of 9-13-76, § 3; Ord. of 11-15-00)

Sec. 3-27. Appeal from refusal or revocation.

The refusal of the sheriff, building official, or director of planning to approve an application for a permit under this division or the revocation of any such permit, after the same has been issued, may be appealed to the circuit court of the county. An appeal upon such refusal or revocation shall be able to review only to determine whether or not such refusal or revocation was properly based upon the applicable provisions of this article or was for good cause and was not arbitrary or capricious.

(Ord. of 9-13-76, § 4; Ord. of 11-15-00)

Secs. 3-28—3-32. Reserved.

DIVISION 3. LICENSE

Sec. 3-33. Required.

No person shall operate or conduct a public dance hall in the county, unless he has a current license to do so issued by the commissioner of the revenue.

(Ord. of 11-15-00)

Sec. 3-34. Tax imposed.

There is hereby imposed an annual license tax of one hundred dollars (\$100.00) on each person operating or conducting a public dance hall in the county.

(Ord. of 9-13-76, § 8; Ord. of 11-15-00)

Cross reference(s)—Taxation generally, Ch. 17.

State law reference(s)—Authority for above tax, Code of Virginia, § 18.2-433.

Sec. 3-35. Tax not prorated.

The license tax imposed by section 3-34 shall not be prorated.

(Ord. of 11-15-00)

Sec. 3-36. Issuance.

The license required by this division shall be issued by the commissioner of the revenue upon presentation to him of current permits issued under division 2 of this article and a statement from the county administrator authorizing the operation of the dance hall involved and payment of the license tax imposed by section 3-34.

(Ord. of 9-13-76, § 3; Ord. of 11-15-00)

Sec. 3-37. Expiration; voidance.

- (a) A license issued under this division shall expire on the thirty-first day of December next following its issuance.
- (b) If any permit issued under division 2 of this article for a dance hall is revoked, the license issued under this division for such dance hall shall automatically become void and of no effect.

(Ord. of 9-13-76, § 8; Ord. of 11-15-00)

Secs. 3-38—3-40. Reserved.

ARTICLE III. RESERVED

Secs. 3-41—3-76. Reserved.

ARTICLE IV. RESERVED

Secs. 3-77—3-89. Reserved.

Chapter 4 ANIMALS AND FOWL

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

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

Abandon means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Code of Virginia, § 3.2-6503 for a period of five (5) consecutive days.

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

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

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

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

Adequate space means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three (3) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Adoption means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

Agricultural animals means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except fish. For the purposes of Code of Virginia, § 3.2-6522, animal means any species susceptible to rabies. For the purposes of Code of Virginia, § 3.2-6570, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person appointed as an animal control officer or deputy animal control officer as provided in Code of Virginia, § 3.2-6555.

Animal shelter means a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

Boarding establishment means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed and watered in exchange for a fee.

Collar means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

Commercial dog breeder means any person who, during any twelve-month period, maintains thirty (30) or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Companion animal means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Direct and immediate threat means any clear and imminent danger to an animal's health, safety or life.

Dump means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Enclosure means a structure used to house or restrict animals from running at large.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

Exhibitor means any person who has animals for or on public display, excluding an exhibitor licensed by the U.S. Department of Agriculture.

Facility means a building, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Foster care provider means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

Foster home means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

Home-based rescue means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

Humane means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane investigator means a person who has been appointed by a circuit court as a humane investigator as provided in Code of Virginia, § 3.2-6558.

Humane society means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing.

Law enforcement officer means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Code of Virginia, § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

New owner means an individual who is legally competent to enter into a binding agreement pursuant to Code of Virginia, § 3.2-6574(B)(2), and who adopts or receives a dog or cat from a releasing agency.

Ordinance means any law, rule, regulation or ordinance adopted by the governing body of any locality.

Other officer includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

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

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

Pound means a facility operated by the commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

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

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

Properly lighted when referring to a facility, means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

Properly lighted when referring to a private residential dwelling and its surrounding grounds, means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

Releasing agency means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue, that releases companion animals for adoption.

Research facility means any place, laboratory or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted or attempted.

Sanitize means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Sore means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. Part 11.2.

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

Treasurer includes the treasurer and his assistants of each county or other officer designated by law to collect taxes in such county.

Treatment or adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

Veterinary treatment means treatment by or on the order of a duly licensed veterinarian.

Weaned means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6500

Sec. 4-2. Violations of chapter generally.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-3. Seizure and impoundment of animals; notice and hearing; disposition of animal; disposition of proceeds upon sale; animal intake policy.

- (a) Any humane investigator, law-enforcement officer or animal control officer may lawfully seize and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an apparent violation of this chapter that has rendered the animal in such a condition as to constitute a direct and immediate threat to its life, safety or health. Before seizing or impounding any agricultural animal, such humane investigator, law-enforcement officer or animal control officer shall contact the state veterinarian or a state veterinarian's representative, who shall recommend to such person the most appropriate action for the disposition of the agricultural animal. The seizure or impoundment of an equine resulting from a violation of Code of Virginia, §§ 3.2-6570A(iii) or B(ii), may be undertaken only by the state veterinarian or state veterinarian's representative who has received training in the examination and detection of sore horses equivalent to that required by 9 C.F.R. Part 11.7 and that is approved by the state veterinarian. The humane investigator, law enforcement officer or animal control officer shall notify the owner of the agricultural animal and the local attorney for the commonwealth of the recommendation. The humane investigator, law enforcement officer or animal control officer may impound the agricultural animal on the land where the agricultural animal is located if:
- (1) The owner or tenant of the land where the agricultural animal is located gives written permission;
 - (2) A general district court so orders; or
 - (3) The owner or tenant of the land where the agricultural animal is located cannot be immediately located, and it is in the best interest of the agricultural animal to be impounded on the land where it is located until the written permission of the owner or tenant of the land can be obtained.

If there is a direct and immediate threat to an agricultural animal, the humane investigator, law enforcement officer or animal control officer may seize the animal, in which case the humane investigator, law enforcement officer or animal control officer shall file within five (5) business days on a form approved by the state veterinarian a report on the condition of the animal at the time of the seizure, the disposition of the animal, and any other information required by the state veterinarian.

Upon seizing or impounding an animal, the humane investigator, law enforcement officer or animal control officer shall petition the general district court in the county or county where the animal is seized for a hearing. The hearing shall be not more than ten (10) business days from the date of the seizure of the animal. The hearing shall be to determine whether the animal has been abandoned, has been cruelly treated, or has not been provided adequate care.

- (b) The humane investigator, law enforcement officer, or animal control officer shall cause to be served upon the person with a right of property in the animal or the custodian of the animal notice of the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the animal is seized, written notice shall be given at least five (5) days prior to the hearing of the time and place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where such animal is seized, written notice by any

method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one (1) time prior to the hearing and shall further cause notice of the hearing to be posted at least five (5) days prior to the hearing at the place provided for public notices at the county hall or courthouse wherein such hearing shall be held.

- (c) The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Code of Virginia, § 19.2-260 et seq., (Article 4 of Chapter 15 of Title 19.2). The commonwealth or the county shall be required to prove its case beyond a reasonable doubt.
- (d) The humane investigator, law enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. The owner of any animal held pursuant to this subsection for more than thirty (30) days shall post a bond in surety with Bedford County for the amount of the cost of boarding the animal for a period of six (6) months.
 - (1) If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner.
 - (2) If the court determines that the animal has been: (i) abandoned or cruelly treated; (ii) deprived of adequate care, as that term is defined in section 4-1; or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of Code of Virginia, § 3.2-6571, then the court shall order that the animal be:
 - a. Sold by a local governing body;
 - b. Humanely destroyed, or disposed of by sale or gift to a federal agency, state-supported institution, agency of the commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the commonwealth;
 - c. Delivered to any local humane society or shelter, or to any person who is a resident of the county or an adjacent county and who will pay the required license fee, if any, on such animal; or
 - d. Delivered to the person with a right of property in the animal as provided in subsection (e).
- (e) In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment or deprivation of adequate care is not attributable to the actions or inactions of such person.
- (f) The court shall order the owner of any animal determined to have been abandoned, cruelly treated or deprived of adequate care, to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.
- (g) The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.
- (h) If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating Code of Virginia, §§ 3.2-6504 or 3.2-6570; or section 4-4 of this chapter. In making a

determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

- (i) Any person who is prohibited from owning or possessing animals pursuant to subsections (g) or (h), may petition the court to repeal the prohibition after two (2) years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.
- (j) When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the general fund of the County of Bedford.
- (k) Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law enforcement officer, animal control officer, or licensed veterinarian.
- (1) Animal control officers, law enforcement officers, humane investigators, animal shelters, and releasing agencies shall annually submit a copy of their intake policy to the state veterinarian.

(Ord. No. O-0709-128(R), 7-13-2009; Ord. No. O092616-09, 9-26-2016)

State law reference(s)—Code of Virginia, §§ 3.2-6549, 3.2-6557, and 3.2-6569

Sec. 4-4. Cruelty to animals; penalty.

- (a) Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vi) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

- (b) Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.
- (c) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this chapter or regulations adopted hereunder.
- (d) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a class 1 misdemeanor.
- (e) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6570

Sec. 4-5. Disposition of fines collected for violations of chapter.

Unless otherwise specifically provided, all fines collected for violations of this chapter and all license taxes, fees and charges shall be credited to the general fund of the county and shall be deposited by the treasurer in the same manner as that prescribed for other county money.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-6. Animal control officers.

- (a) The animal control officer and deputy animal control officers shall be appointed pursuant to Code of Virginia, § 3.2-6555 (1950), as amended. Such officers shall be paid such compensation as the board of supervisors may prescribe.
- (b) The powers of enforcement of this chapter and all laws for the protection of domestic animals shall be vested in the animal control officer and such deputy animal control officers. Deputy animal control officers shall have all the powers and duties of an animal control officer as set forth in Code of Virginia, tit. 3.2, and all powers set forth in this chapter.
- (c) An animal control officer, a law enforcement officer, or custodian of any animal shelter or pound, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter, and the record shall include the date on which the animal was taken into custody; the date of making the record; a description of the animal including color, breed, sex, approximate age, approximate weight; reason for seizure, location of seizure, the owner's name and address, if known; all license or other identification numbers, if any; and the disposition of the animal.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, §§ 3.2-6555—6557.

Secs. 4-7—4-20. Reserved.

ARTICLE II. IMPOUNDMENT AND DISPOSITION OF STRAY ANIMALS

Sec. 4-21. Impoundment generally; holding period; redemption by owner; fees.

- (a) Pursuant to the provisions in Code of Virginia, § 3.2-6546 (1950), as amended, there is hereby created a county animal pound for the confinement of dogs or other animals. Said pound shall be operated in accordance with all applicable provisions of the Comprehensive Animal Laws of Virginia, Code of Virginia, § 3.2-6500 et seq. (1950), as amended, and all local ordinances promulgated under authority of state law.
- (b) The animal control officer or any other officer shall have the authority to seize, hold and impound any dog or other animal running at large in the county, in violation of section 4-48; and any dog in the county that has not been licensed or that does not bear a license tag, as required by article V of this chapter.
- (c) Any animal confined pursuant to this section shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the pound or other

facility, unless sooner claimed by the rightful owner thereof, or, if the animal's rightful owner has surrendered all property rights in such animal and has read and signed a statement as required by section 4-25, been disposed of as provided by this article.

- (d) Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the five-day confinement period, after payment of the required license fee. If any animal confined pursuant to this article is claimed by its rightful owner, such owner shall only be charged with the actual expenses incurred in keeping the animal impounded. If the rightful owner claims the animal at any time, the custodian or finder shall relinquish possession of the animal to the rightful owner.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, §§ 3.2-6531, 3.2-6538, 3.2-6546.

Sec. 4-22. Disposition generally; adoption.

The operator or custodian of the pound shall make a reasonable effort to ascertain if any dog or other animal running at large in the county has a collar, tag, license or tattooed identification. If such identification is found on the animal, a reasonable effort shall be made to return the animal to its owner or place the animal for adoption before humanely destroying the animal. Such identified animal shall be held for five (5) days more than the holding period prescribed in section 4-21, unless sooner claimed by the rightful owner. If the rightful owner of any animal confined may be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following its confinement. At the expiration of the holding period required for such identified animal, the animal may be delivered to any resident who proposes to adopt it as a pet and who will pay the required license fee, if any, on the animal or to any humane society or animal shelter, or to a resident of an adjacent political subdivision of the commonwealth; however, no more than two (2) animals or a family of animals shall be delivered during any thirty-day period to any one such person.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6546.

Sec. 4-23. Destruction of certain feral dogs and cats.

Any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, may be euthanized after being kept for a period of not less than three (3) days, at least one (1) of which shall be a full business day, such period to commence on the day the animal is initially confined to the facility, unless sooner claimed by the rightful owner. The certification of the disinterested person shall be kept with the animal, as required by Code of Virginia, § 3.2-6557. For purposes of this section, a disinterested person shall not include a person releasing or reporting the animal to the facility.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6546.

Sec. 4-24. Destruction of critically injured, critically ill or unweaned animals.

No provision of this article shall prohibit the immediate destruction of a critically injured or critically ill animal for humane purposes. Any animal destroyed pursuant to the provisions of this chapter shall be euthanized by one

(1) of the methods prescribed or approved by the state veterinarian. No provision of this article shall prohibit the immediate destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6546.

Sec. 4-25. Approved methods of disposing of or destroying animals.

- (a) If an animal confined pursuant to this article has not been claimed, it may be humanely destroyed or disposed of by:
 - (1) Sale or gift to a federal or state agency or a licensed federal dealer engaged in the regular business of buying, selling, transferring, exchanging, or bartering companion animals and whose principal place of business is located within the commonwealth. Any such recipient shall agree to confine the animal for an additional period of not less than five (5) days;
 - (2) Delivery to any humane society or animal shelter within the commonwealth;
 - (3) Adoption by any person who is a resident of the county or any other jurisdiction for which the county's pound is operated and who has paid the required license fee, if any, on such animal; or
 - (4) Adoption by a resident of an adjacent political subdivision of the commonwealth.
- (b) Nothing in this article shall prohibit the immediate destruction or disposal by the methods listed in subsections (a)(2) through (4) of this section, of an animal that has been delivered voluntarily or released to the pound, animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement certifying that no other person has a right of property in the animal, and acknowledging that the animal may be immediately euthanized or disposed of by the methods listed in subsections (a)(2) through (4) of this section.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6546.

Sec. 4-26. Limitations and exceptions.

For purposes of this article, the term "animal" shall not include agricultural animals, the term "rightful owner" shall mean a person with a right of property in the animal, and the term "humane society", when referring to an organization without the commonwealth, shall mean any nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoption of animals.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6546.

Secs. 4-27—14-39. Reserved.

ARTICLE III. COMPANION ANIMALS

Sec. 4-40. Responsible animal care.

It shall be unlawful for any owner or harbinger of a domestic animal to fail to provide the following for his animal:

- (1) A sufficient quantity of good and wholesome food and water and adequate exercise;
- (2) Adequate protection and shelter from the weather;
- (3) Veterinary care when needed to prevent suffering or disease transmission;
- (4) Adequate care, treatment and transportation.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6503

Sec. 4-41. Sanitary conditions of premises where kept.

The structure or building in which any dogs or cats are confined and the lot, compound or enclosure in which they are penned, shall be kept in such sanitary condition as not to cause offensive odors.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-42. Permitting diseased dogs or cats to stray from owner's premises.

It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises, if such disease is known to the owner.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-43. Permitting female dog to stray from owner's premises when in season.

It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season. No owner of such dog shall permit it to be out of doors unless the dog is on a leash held by a person able to control the dog. Leaving such dog unattended fastened to a leash, chain or trolley, shall not be deemed to comply with this section. Such dog may only be left unattended out of doors in a yard with a fence adequate to prevent the dog from leaving the yard.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-44. Chasing motor vehicles.

It shall be unlawful for the owner of any dog to permit such dog to chase motor vehicles on a highway in the county.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-45. Dog injuring or killing other companion animals.

It shall be the duty of any animal control officer who has reason to believe that any dog is killing other dogs or domestic animals, other than livestock or poultry, to confine the dog. The animal control officer shall apply to a magistrate of the county 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. The dog shall be confined until the evidence is heard and a verdict is rendered. If it shall appear that such a dog has habitually killed other dogs or domestic animals, the dog shall be ordered to be killed immediately by the animal control officer or other officer designated by the judge.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6586

Sec. 4-46. Reserved.

Sec. 4-47. Nuisance animals.

- (a) "Nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property. The term "nuisance animal" shall mean and include, but is not limited to, any animal that:
- (1) Is repeatedly found at large;
 - (2) Damages the property of anyone other than its owner;
 - (3) Molests or intimidates pedestrians or passersby;
 - (4) Attacks other domestic animals; or
 - (5) Is found at large on any school property.
- (b) Whenever a formal complaint has been received by the animal control officer and the complaint is found to be justified, the animal control officer shall notify the owner of the animal of the complaint and instruct such owner to abate such nuisance. If, after such notice, the owner fails to properly control the animal that creates or constitutes the nuisance, the animal control officer shall take the necessary legal action to abate the nuisance by having the animal impounded or the owner of the dog charged with a violation of this section, either or both.
- (c) Notwithstanding the foregoing, however, whenever in the discretion of the animal control officer a complaint hereunder is justified and an immediate threat to the public health, welfare or safety is posed, the animal control officer may have the animal impounded immediately and charges filed hereunder.
- (d) Nothing contained in this section shall prohibit any person from bringing a charge of violation hereunder directly without proceeding through the animal control officer.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-48. Dogs running at large.

- (a) Dogs shall be on a leash on all land owned or leased by the County of Bedford, the Bedford County School Board, the Bedford County Public Service Authority and the Bedford County Economic Development Authority.
- (b) It shall be unlawful at any time to permit any dog to run at large within the following designated portions of Bedford County:

Bedford County, Virginia, Code of Ordinances
(Supp. No. 30)

- (1) That area within the perimeter boundaries of Village Green Subdivision, Route 619, Blue Ridge Magisterial District, as shown on a plat of survey dated April 17, 1984 and of record in the Clerk's Office of the Circuit Court of Bedford County, Virginia in Plat Book 23, pages 73—79.
- (2) That area within the perimeter boundaries of Mountain Meadows Subdivision, Route 619, Blue Ridge Magisterial District, as shown on plats of survey of record in the aforesaid clerk's office as follows:
Section One—Plat Book 24, pages 333—336 (dated 10-22-87).
Section Two—Plat Book 25, pages 236-239 (dated 9-12-88).
Section Three—Plat Book 25, page 277 (dated 11-12-88).
- (3) That area within the perimeter boundaries of the following subdivisions located near State Route 663 in Jefferson Magisterial District, Bedford County, Virginia:

Ivy Hill	Ivy Woods	Quail Ridge
Ivy West	Ivy Lake	Equestrian Ridge
Ivy Place	Ivy Court	Sailview
Fairwind	Mallard Cove	Haines Point
Club Terrace	Ivy Hill Golfdominiums	
Forest Dale	Highland Park	

Said areas are set forth in greater detail on tax maps within the Office of the Commissioner of Revenue, County Administration Building, Main Street, Bedford, Virginia, 24523 [see:]

Insert	Page 98A	Insert	Page 99 C
Insert	Page 98 B		Page 99 A 1 K
	Page 98 A 52 A		Page 99 A 1 E
Insert	Page 99 A		Page 99 A 1
	Page 99 (1)-1F		Page 99 A 1 F
	Page 99 (1)-1		Page 99 A 1 G
Insert	Page 99 B		Page 99 A 30 A
	Page 99 A 1D	Insert	Page 81 C
	Page 99 A 2		Page 81 A 11 C
	Page 99 A 1 C	Insert	Page 81 A
Insert	Page 99 E		Page 81 A 11 B
	Page 99 A 30 C		Page 81 A 11 A
	Page 99 A 1 A	Insert	Page 81 B
	Page 99 A 1 B		

The said area includes all state secondary highways, private and public streets located within said perimeter boundary.

- (4) And the following areas:
Beechwood West—Tax Maps # 220E, # 2220B
Forty Acres—Tax Map # 243A2

The Hollows—Tax Map # 117F

Jefferson Woods—Tax Map # 117F

The Village of Jefferson Woods—Tax Map # 117F

Mountain View—Tax Map # 151A

Rosemont Lane and Three Roses Lane—Tax Map # 155

Snug Harbor—Tax Maps # 221:6; # 232:1

Chestnut Subdivision—Tax Map # 114B-1-1A through 17B, and adjoining parcel # 114-A-42

Gilfield Subdivision—Tax Map # 81-8-1 through 81-11-13; specifically, Gilfield Drive, Otelia Court, Leveque Place, Howards Scenic Trail, Valter Court, Lauras Home Place, Irenes Petite Court, Greenway Trail, Halfmoon Court, Garden Circle and Smartview Lane.

Thomas Jefferson Crossings—Tax Map # 117-13-1 through 117-13-25 and 117-10-1 through 117-10-7, specifically, Jefferson Drive West and Presidential Circle; Wellington Court at Thomas Jefferson Crossings—Tax Map numbers 117-14-1 through 117-14-22, specifically, Mont View Lane and Ambassador Drive; and Spring Creek—Tax Map numbers 117-23-1 through 117-23-18, specifically, Governors Lane.

Bay Vue Subdivision—Tax Map #191A-1-1 through 191A-1-23.

Springhill Lake Subdivision—Tax Map #93A-2-1A through 93A-2-19, specifically, Springhill Circle and Benjamin Court.

- (c) For the purposes of this section a dog shall be deemed to be 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.
- (d) The board shall develop a policy and a procedure for determining which portions of the county may be included in subsection (b) above. Such portions shall only be included after a public hearing and the amendment of this section.

(Ord. No. O-0709-128(R), 7-13-2009; Res. No. R0909-171, 9-14-2009; Res. No. R0909-172, 9-14-2009; Ord. No. O-0510-58, 5-10-2010; Ord. No. O112618-05, 11-26-2018; Ord. No. O112618-04, 12-12-2018; O072720-02, 07-27-2020; O032822-05, 03-28-2022)

Sec. 4-49. Hybrid canines.

- (a) As used in this section:

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to: (i) prevent the animal's escape; or if the hybrid is determined to be a dangerous dog pursuant to section 4-54 of the County Code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine; and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed

veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

- (b) It shall be unlawful for any person to own or possess a hybrid canine four (4) months or older in the county unless the hybrid canine is licensed as required by the provisions of this section.
- (1) Any person owning or possessing a hybrid canine four (4) months or older in the county shall obtain an annual permit from the animal control officer no later than January 31 of each year. The permit shall not be transferable, shall expire on December 31 of each year and must be renewed by January 31 of each succeeding year. The cost of the permit shall be fifty dollars (\$50.00) per year and shall not be prorated.
 - (2) No person other than the operator of a pet store or dealer in companion animals shall own or possess more than two (2) hybrid canines.
 - (3) Each hybrid canine shall be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. The animal control officer shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.
 - (4) The application for a permit shall include the sex, color, height, age, vaccination records, length, identifying marks, the location where the hybrid canine will normally be kept and such additional information as the animal control officer determines is necessary.
 - (5) A hybrid canine shall at all times be confined in a proper enclosure or structure of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The owner's or custodian's property shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine.
 - (6) When off of its owner's or custodian's property, a hybrid canine 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.
 - (7) A first violation of this section shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor. In addition any owner or custodian of a hybrid canine that fails or refuses to comply with the terms of this section may be ordered by a court of competent jurisdiction to dispose of the animal; and the court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of Code of Virginia, § 3.2-6562.
 - (8) It shall be the duty of every veterinarian that practices in the county to notify the animal control officer of the existence of a hybrid canine within the county.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-50. Intentional interference with a guide or leader dog; penalty.

- (a) It is unlawful for a person to, without just cause, willfully impede or interfere with the duties performed by a dog if the person knows or has reason to believe the dog is a guide or leader dog. A violation of this subsection is punishable as a class 3 misdemeanor.
- (b) It is unlawful for a person to, without just cause, willfully injure a dog if the person knows or has reason to believe the dog is a guide or leader dog. A violation of this subsection is punishable as a class 1 misdemeanor.

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- (c) *"Guide or leader dog"* means a dog that: (i) serves as a dog guide for a blind person as defined in Code of Virginia, § 63.1-142, or for a person with a visual disability; (ii) serves as a listener for a deaf or hard-of-hearing person as defined in Code of Virginia, § 63.1-85.3:1; or (iii) provides support or assistance for a physically disabled or handicapped person.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6588

Sec. 4-51. Dogs and cats deemed personal property; rights relating thereto.

- (a) All dogs and cats in this county shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such animals, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property. The owner of any dog or cat which is injured or killed, except as authorized in this article or by state law, by any person shall be entitled to recover the value thereof or the damage done thereto, in an appropriate action at law, from such person.
- (b) The animal control officer or other officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such animal pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises and the animal control officer may take such animal in charge and notify its legal owner to remove it. The legal owner of the animal shall pay a reasonable charge for the keep of such animal while in the possession of the animal control officer.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6585

Sec. 4-52. Selling garments containing dog or cat fur prohibited; penalty.

It is unlawful for any person to sell a garment containing the hide, fur or pelt which he knows to be that of a domestic dog or cat. A violation of this section shall be punishable by a fine of not more than ten thousand dollars (\$10,000.00).

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6589

ARTICLE IV. DANGEROUS AND VICIOUS DOGS

Sec. 4-53. 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:

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; or (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.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 4-54. Determination by court that dog is dangerous or vicious.

- (a) 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 harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.2-6562 (1950). The court, upon finding the animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Code of Virginia, § 19.2-260 et seq., (Article 4 of Chapter 15 of Title 19.2). The commonwealth shall be required to prove its case beyond a reasonable doubt.
- (b) No canine or canine crossbreed shall be found to be a dangerous 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 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 dog'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 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. 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 or vicious dog.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 4-55. Registration of dangerous dogs; requirements for keeping dangerous dog.

- (a) The owner of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of fifty dollars (\$50.00), in addition to any 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 which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that it 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.
- (b) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence: (i) of the dog'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 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 one hundred thousand dollars (\$100,000.00), which covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance of at least one hundred thousand dollars (\$100,000.00).

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Similar provisions, Code of Virginia, §§ 3.2-6540(C)(3), (4).

Sec. 4-56. Determination by animal control officer that dog is dangerous.

Notwithstanding the provisions of this article, the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this article. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6540.

Sec. 4-57. Confinement and restraint of dangerous dogs.

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 dog with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall

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

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-58. Dangerous 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 section.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-59. Information to be provided to animal control officer regarding dangerous dog.

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 ten (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.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-60. Registration.

The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia, Dangerous Dog Registry, as established under Code of Virginia, § 3.2-6542, within forty-five (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:

- (1) The names, addresses and telephone numbers of all owners;
- (2) All of the means necessary to locate the owner and the dog at any time;
- (3) Any complaints or incidents of attack by the dog upon any person, or cat or dog;
- (4) Any claims made or lawsuits brought as a result of any attack;
- (5) Tattoo or chip identification information or both;
- (6) Proof of insurance or surety bond; and
- (7) The death of the dog.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-61. Penalty; disposition of fees.

- (a) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this article is guilty of a class 1 misdemeanor.
- (b) 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 Code of Virginia, § 3.2-6556.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-62. Penalty; continued.

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

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

The provisions of this section 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.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6540.

Secs. 4-63—4-69. Reserved.

ARTICLE V. DOG LICENSE

Sec. 4-70. Definitions.

Words and terms used in this article, which are defined in section 4-1, shall, for the purposes of this article, have the meanings ascribed to them in section 4-1. In addition, the term "treasurer" or "county treasurer" shall mean and include the treasurer of this county and his assistants, or any other officer designated by law to collect taxes in this county.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-71. Required.

It shall be unlawful for any person to own a dog four (4) months or older in the county, unless such dog is currently licensed pursuant to the provisions of this article.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6524.

Sec. 4-72. Application; applicant to be county resident.

- (a) Any person who is a resident of the county may obtain a dog license by making an oral or written application to the county treasurer; accompanied by the amount of the license tax and the evidence of vaccination or that

the dog has been spayed or neutered as required by section 4-38. The treasurer shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county and he may require information to this effect from any applicant.

- (b) It shall be unlawful for any person to make a false statement in, or present any false evidence with, an application submitted under this section, in order to secure a dog license to which he is not entitled.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6527.

Sec. 4-73. Tax imposed.

- (a) Effective 1 January 2020, a license tax on the ownership of dogs in this county is hereby imposed in the following amounts:

- (1) Puppies (at least four (4) months old) and un-vaccinated dogs:

1 year: \$5.00

- (2) For any individual dog who has had either a one (1) year or three (3) year veterinarian issued rabies vaccination can purchase a lifetime license for \$10.00.

- (3) For a kennel up to ten (10) dogs:

1 year: \$35.00

- (4) For a kennel up to twenty (20) dogs:

1 year: \$70.00

- (5) For a kennel up to thirty (30) dogs:

1 year: \$105.00

- (6) For a kennel up to forty (40) dogs:

1 year: \$140.00

- (b) No license tax shall be levied under this section on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person. As used in this subsection, "hearing dog" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner should respond.

- (c) A dangerous dog license fee is fifty dollars (\$50.00). This fee shall be in addition to fees required under subsection (a).

(Ord. No. O-0709-128(R), 7-13-2009; Ord. No. O092319-04, 9-23-2019, eff. 1-1-2020)

State law reference(s)—Code of Virginia, § 3.2-6528.

Sec. 4-74. Where and when tax payable.

The license tax imposed by this article shall be due and payable at the office of the county treasurer as follows:

- (1) On January 1 and not later than January 31 of each year, the owner of any dog four (4) months old or older shall pay such tax for a one- or three-year period; however, such period shall not exceed the effective period of the dog's rabies inoculation as certified by a veterinarian.

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- (2) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county, between January 1 and November 1 of any year, such tax for the current calendar year shall be paid forthwith by the owner.
 - (3) If a dog shall become four (4) months of age, or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county, between October 31 and December 31 of any year, such tax for the succeeding calendar year shall be paid forthwith by the owner and the license issued shall protect the dog from the date of payment of such tax.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6530.

Sec. 4-75. Failure to pay tax when due.

It shall be unlawful for any person to fail to pay the license tax prescribed by this article when the same is due. Payment of such tax subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve the owner of the dog from the penalties provided for such failure. When any person is convicted of a violation of this section, the fine imposed and the license tax due shall be immediately paid.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-76. Concealing or harboring dog on which tax not paid.

It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-77. Issuance, composition and contents.

- (a) Upon receipt of a proper application and the prescribed license tax, the county treasurer shall issue a dog license; provided that no such license shall be issued for any dog, unless there is presented to the treasurer, at the time application for such license is made, a certificate signed by a licensed veterinarian certifying that the dog for which the license is to be issued has been vaccinated or spayed or neutered, if applicable, in accord with the provisions of section 4-46 of this chapter.
- (b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment of the tax, the year for which the license is issued, the serial number of the tag and whether the license is for an individual dog, for a kennel, or whether neutered male, male, unsexed female or female. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county and the calendar year for which issued and shall bear a serial number.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6526.

Sec. 4-78. Term.

One (1) year dog licenses shall be valid for the calendar year, from January 1 to December 31. All other dog licenses shall be valid for the lifetime of the licensed dog, as long as the dog's rabies vaccination is kept current.

Upon expiration of a rabies vaccination, a dog license is no longer valid and deemed revoked. The license must be reapplied for upon renewal of the dog's rabies vaccination.

(Ord. No. O-0709-128(R), 7-13-2009; Ord. No. O092319-04, 9-23-2019, eff. 1-1-2020)

Sec. 4-79. Preservation and exhibition of license receipt, tag to be worn by dog; exceptions.

- (a) A dog license receipt shall be carefully preserved by the person to whom it is issued and exhibited promptly on request for inspection by the 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 dog four (4) months old or over to run or roam at large at any time without a collar and license tag, except that the owner of the dog may remove the collar and license tag:
 - (1) When the dog is engaged in lawful hunting;
 - (2) When the dog is competing in a dog show;
 - (3) When the dog has a skin condition which would be exacerbated by the wearing of a collar;
 - (4) When the dog is confined; or
 - (5) When the dog is under the immediate control of its owner.
- (b) Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6531.

Sec. 4-80. Unlawful removal of tag.

It shall be unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag or collar bearing such tag from a dog.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6531.

Sec. 4-81. Duplicate tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the county treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be one dollar (\$1.00).

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6532.

Sec. 4-82. Special provisions as to kennels.

- (a) The license tag for a kennel shall show the number of dogs authorized to be kept under such license and shall have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. The owner of a kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one (1) of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use shall be kept by the owner or custodian and promptly shown to the animal control officer or other officer upon request.
- (b) A kennel dog shall not be permitted to stray beyond the limits of the enclosure referred to in subsection (a) above, 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.
- (c) A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this article.
- (d) If any kennel dog is found running at large at any time in violation of this section, the owner shall be guilty of a class 4 misdemeanor and, in addition, the kennel license may be revoked, if it appears to the trial court that the violations resulted from carelessness or negligence on the part of the owner. In the case of such revocation, the owner shall be required to secure individual licenses for each dog kept in such kennel.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-83. Stray cats.

Upon having received a citizen's complaint of the location of a cat which appears to have no owner, or upon having observed a cat frequenting public places, and appearing to have no owner, the animal control officer shall seize such cat. The cat shall be disposed of as provided by section 4-45.

(Ord. No. O-0709-128(R), 7-13-2009)

Secs. 4-84—4-90. Reserved.

ARTICLE VI. RABIES CONTROL

Sec. 4-91. Vaccination of dogs and cats.

- (a) It shall be unlawful for any person to own, keep or harbor, within the county, any dog or cat over the age of four (4) months, unless such dog or cat has been vaccinated with a standard rabies vaccine approved by the state department of health, licensed by the U.S. Department of Agriculture, for use in that species and the effective date of said vaccine has not expired as certified by a veterinarian.
- (b) The provisions of this section shall not apply to any dog or cat temporarily brought into the county, for a period not to exceed thirty (30) days, for showing or breeding purposes, provided such dog or cat remains confined at all times.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6521.

Sec. 4-92. Rabid animals.

- (a) When there is sufficient reason to believe that a rabid animal is at large, the board of supervisors shall have the power to pass an emergency ordinance, which shall become effective immediately upon passage, requiring owners of all dogs or cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by the rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed thirty (30) days unless renewed by the board of supervisors.
- (b) Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be destroyed.
- (c) Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the county health officer the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.
- (d) Any dog or cat exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in a pound, kennel or enclosure approved by the county health department for a period not to exceed six (6) months, at the expense of the owner, at a cost of one dollar (\$1.00) per day; provided, that if the dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane has proof of a valid rabies vaccination, the dog or cat shall be revaccinated and confined to the premises of the owner for ninety (90) days.
- (e) At the discretion of the director of the county health department, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time; provided, however, that a seriously injured or sick animal may be humanely euthanized. In the event the animal expires or is euthanized, its head shall be immediately sent to the state consolidated laboratory for evaluation.
- (f) When any animal, other than a dog or cat, exposes a person to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, that animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized and its head sent to the state consolidated laboratory for evaluation.
- (g) When any animal, other than a dog or cat, is exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal believed to be afflicted with rabies, that newly exposed animal shall be confined at the discretion of a local health director in a manner approved by the health department or humanely euthanized.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6522.

Sec. 4-93. Report of animal bites.

- (a) All animal bites of human beings shall be reported to the county health department within twenty-four (24) hours after their occurrence.
- (b) Such report shall include the name and address of the person bitten; the name and address of the owner of the biting animal, if obtainable; a reasonable description of the animal; the date and time of day of the injury; the part of the body on which the bite was inflicted; and, if possible, whether the biting animal has been vaccinated against rabies.

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- (c) The responsibility for so reporting is mutually charged to attending physicians, veterinarians, owners of the biting animal, persons bitten, and any other persons who may have knowledge of the occurrence.

(Ord. No. O-0709-128(R), 7-13-2009)

Secs. 4-94—4-100. Reserved.

ARTICLE VII. LIVESTOCK AND FOWL

Sec. 4-101. Dogs killing or injuring livestock or poultry.

- (a) It shall be the duty of the 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 a 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 the 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 poultry killer, and any dog killing livestock or poultry for the third time shall be considered a confirmed poultry killer. Notwithstanding the foregoing, the district court may order that any dog that has been found to have injured or killed only poultry be microchipped, and either confined securely or transferred to another owner whom the court deems appropriate. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal. The Court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog.
- (b) 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 of the county who shall issue a warrant requiring the owner or custodian, if known, to appear before a district court at a time and place named therein, at which time evidence shall be heard, and if it shall appear that such a dog is a livestock, or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer, or other officer designated by the judge of the district court to act, shall do, or shall be removed to another state which does not border the commonwealth and prohibited from returning to the commonwealth and any dog ordered removed from the commonwealth which is later found in the commonwealth shall be ordered by a court to be killed immediately.

(Ord. No. O-0709-128(R), 7-13-2009; Ord. No. O092616-09, 9-26-2016)

State law reference(s)—Code of Virginia, § 3.2-6552.

Sec. 4-102. Compensation for livestock and poultry killed by dogs.

- (a) 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 four hundred dollars (\$400.00) per animal or ten dollars (\$10.00) per fowl, provided that:
- (1) 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;

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- (2) The animal control officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and
 - (3) 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.
- (b) The board of supervisors may waive the requirements of subsections (a)(2) and (a)(3), or both, provided that the animal control officer has conducted an investigation and that his/her investigation supports the claim.
 - (c) Upon payment under this section, the county shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.2-6553.

Sec. 4-103. Impoundment and disposition.

- (a) In the event the animal control officer or other officer has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in sections 4-9 or 4-10, and a warrant is issued by a magistrate, such dog may be impounded by the animal control officer until such time as the owner or custodian thereof shall provide evidence that adequate provisions will be made to protect livestock or poultry from such dog, which provisions may include, but not be limited to, securing such dog on the premises of the owner or custodian, with defined limitations of access. If any dog is released under such conditions, it shall be kept under such securing provisions until disposition by the court and any person failing to keep such dog so secured shall be deemed in violation of this section.
- (b) The owner or custodian redeeming a dog from impoundment as provided above, shall furnish evidence that such dog is licensed, as required by this chapter.
- (c) If the court finds that a dog impounded under this section is not a livestock killer or has not committed any of the depredations mentioned in sections 4-9 or 4-10, and the dog is not redeemed within ten (10) days of disposition of the original charge by the court, the animal control officer shall dispose of such dog in the same manner as provided for the disposition of unlicensed dogs in section 4-45.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-104. Livestock running at large.

- (a) It shall be unlawful for the owner or person in control of any horse, mule, cattle, hog, sheep, goat or fowl to permit any such animal to run at large in the county beyond the limits of his own lands.
- (b) Any person violating any provision of this section shall be guilty of a class 2 misdemeanor.

(Ord. No. O-0709-128(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 3.1-796.94:1.

Sec. 4-83. Lot lines declared fences as to livestock.

The boundary lines of each lot or tract of land in the county shall constitute lawful fences as to any livestock domesticated by man.

(Ord. No. O-0709-128(R), 7-13-2009)

Secs. 4-105—4-110. Reserved.

ARTICLE VIII. WATERFOWL FEEDING

Sec. 4-111. Feeding of migratory and non-migratory waterfowl.

- (a) The feeding of migratory and nonmigratory waterfowl is hereby prohibited in Bedford County in accordance with subsection (c) of this section and subsection 4-50(c).
- (b) For the purpose of this article, migratory and nonmigratory waterfowl shall be those species defined by the Virginia Department of Game and Inland Fisheries as any and all waterfowl in the family *Anatidae* (ducks, geese and swans), including native, nonnative, and domestic ducks and geese, and any crossbreeds or hybrids of these birds.
- (c) The prohibition of feeding of migratory and nonmigratory waterfowl shall apply within those portions of Bedford County that the board of supervisors determines are so heavily populated as to make the feeding of such waterfowl a threat to the public health or environment.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-112. Prohibited areas.

- (a) Areas designated in the below subsection shall be posted with the appropriate signage designating the areas where this article is applicable.
- (b) No provision of this article shall be applicable on lands within a national or state park or forest, or wildlife management area.
- (c) It is the determination of the Bedford County Board of Supervisors that the following areas are so heavily populated as to make the feeding of such waterfowl a threat to the public health or environment. Specific areas include areas:
 - (1) Within five hundred (500) feet of the normal shoreline of Smith Mountain Lake, which is seven hundred ninety-five (795) feet National Geodetic Vertical Datum.
 - (2) Within five hundred (500) feet of the normal shoreline of Leesville Lake, which is six hundred sixteen (616) feet National Geodetic Vertical Datum.

(Ord. No. O-0709-128(R), 7-13-2009)

Sec. 4-113. Penalty.

Any person violating the provisions of this article shall be subject to a civil fine not to exceed fifty dollars (\$50.00).

(Ord. No. O-0709-128(R), 7-13-2009)

Chapter 5 BUILDING AND DEVELOPMENT REGULATIONS

ARTICLE I. BUILDING CODE

Sec. 5-1. Purpose and intent.

- (a) The purpose and intent of this article is to promote and protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code, which incorporates by reference the International Building Code published by the International Code Council as amended by order of the Virginia Board of Housing and Community Development, applicable to all matters affecting or relating to structures, including the construction, alternation, repair, addition, demolition and removal of all structures and to the equipment associated to the structure.
- (b) The Virginia Uniform Statewide Building Code shall be referred to in this article as the "building code" and shall include the building code in its current form and as amended in the future.
- (c) A copy of the building code shall be kept on file in the department of community development.

(Ord. of 1-9-2006)

State law reference(s)—Code of Virginia, §§ 36-97 et seq., 36-105.

Sec. 5-2. Building inspection office established; powers and duties.

- (a) The building inspection office is hereby established and is charged with the administration and enforcement of the building code and this article, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For the purpose of this article, the term "building inspection office" means the "local building department" as that term is used in the building code.
- (b) The building inspection office shall be directed by the building official who shall be appointed by the county administrator with the concurrence of the personnel committee of the board of supervisors. The building official shall be charged with the administration and enforcement of this article and the building code and, as such, shall have the duties and powers of a code official set forth in the building code. For the purpose of this article, the term "building official" means the "code official" as that term is used in the building code.

(Ord. of 1-9-2006)

State law reference(s)—Code of Virginia, §§ 36-97 et seq., 36-105.

Sec. 5-3 Board of appeals established; powers and duties.

- (a) The board of appeals shall consist of seven (7) members appointed by the board of county supervisors to serve for five (5) years or until a successor is appointed. Board members shall be selected by the local government on the basis of ability to render fair and competent decisions regarding application of the code, and shall to the extent possible, represent different occupational or professional fields. Employees or officials of the local government appointing the board shall not serve as board members.
- (b) The board of building code appeals shall hear cases where the owner of a building, the owner's agent or any other person, firm or corporation directly involved in the design and/or construction of a building or structure

may appeal to the local building code board of appeals within ninety (90) days from a decision of the building official when it is claimed that:

- (1) The building official has refused to grant a modification which complies with the intent of the provisions of the USBC; or
 - (2) The true intent of the USBC has been incorrectly interpreted; or
 - (3) The provisions of the USBC do not fully apply; or
 - (4) The use of a form of construction that is equal to or better than that specified in the USBC has been denied.
- (c) The members of the board shall be compensated at a rate determined by the board of supervisors and shall be reimbursed for actual expenses incurred as members of the board of building appeals.

(Ord. of 1-9-2006)

State law reference(s)—Code of Virginia, § 36-105.

Sec. 5-4. Permits generally.

- (a) No person shall commence the construction, enlargement, alteration or demolition of any building or structure located in the county, or make other changes which are regulated by the Virginia Uniform Statewide Building Code, without first obtaining from the building official a permit, in writing, signed by such official or his authorized agent.
- (b) Subject to section 5-5, the building official shall issue permits, referred to in this section, to every person who shall apply therefor and describe, with reasonable certainty, the kind and character of the work to be done and the estimated cost thereof, and each permit shall state the matter so described.
- (c) Permits issued under this section shall be prominently displayed at the site of the construction, repair or improvement, so as to be available for inspection by agents of the board of supervisors, the building official, sheriff and other county law enforcement agencies.
- (d) This section shall not apply to any person constructing, repairing or improving any property located within the corporate limits of any town which issues its own building permits.

(Ord. of 1-9-2006)

Sec. 5-5. Permit fees—Generally.

No permit to begin work for new construction or any other building operation shall be issued until the fees prescribed by the board of supervisors, in supplementary local provisions to the Virginia Uniform Statewide Building Code, have been paid. A copy of the fees required by this section shall be maintained on file in the office of the building official and the county administrator and shall be available for inspection during regular business hours.

(Ord. of 1-9-2006)

Sec. 5-6. Same—Exemptions.

- (a) Permits for the construction, repair or improvement of farm buildings may be issued, without payment of the fees referred to in section 5-5, if exempted therefrom by the Virginia Uniform Statewide Building Code, and local, state and federal governmental agencies shall be exempted from such fees.
- (b) The exemptions provided for in this section in no respect relieve the owners or their designated agents from the responsibility to obtain any required permits and to comply with the requirements of the Virginia Uniform Statewide Building Code and all other laws pertinent to the proposed construction, except that state and federal governmental agencies utilizing state and federal design and inspection procedures shall not be required to obtain a permit.

(Ord. of 1-9-2006)

Sec. 5-7. Certification of electricians, plumbers and related mechanical workers.

All electricians, plumbers and any building related mechanical workers who perform work in the county shall be certified in accordance with state law.

(Ord. of 1-9-2006)

State law reference(s)—Code of Virginia, § 54.1-1128 et seq.

Sec. 5-8. Removing, repairing or securing dangerous structures.

- (a) The owners of property in the county shall, at such time or times as the board of supervisors may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or the safety of other residents of the county.
- (b) The board of supervisors, through its own agents or employees, may remove, repair or secure any building, wall or other structure which might endanger the public health or the safety of other residents of the county, when the owner of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure such other structure.
- (c) In the event the board of supervisors, through its own agents or employees, removes, repairs or secures any building, wall or other structure pursuant to this section, after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected. Every such charge, with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property.
- (d) Prior to the expenditure of funds for the repair, removal or securing of any unsafe structure pursuant to this section, approval for such expenditure shall be secured from the board of supervisors. A statement of cost estimates, as well as justification for the actions, must be presented by the building official to the board of supervisors to be used as guidelines in the appropriation of funds for the requested actions.

(Ord. of 1-9-2006)

State law reference(s)—Code of Virginia, § 15.2-906.

Sec. 5-9. Penalty for violations of article.

Any person violating the provisions of this article, the Virginia Uniform Statewide Building Code or any rule or regulation adopted pursuant thereto shall be guilty of a misdemeanor punishable according to the provisions of Code of Virginia, § 36-106.

(Ord. of 1-9-2006)

Secs. 5-10—5-99. Reserved.

ARTICLE II. STREET NAMING, SIGNING AND STRUCTURE NUMBERING

Sec. 5-100. Definitions.

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

Address: The combination of a structure number and a street name used to identify or locate a structure.

Street: Road, highway, boulevard, way, circle, lane and other words typically used to indicate a traveled way, either public or private, for vehicles along which there are three (3) or more structures or separate lots or tracts of land.

Structure: Residential, commercial, industrial, agricultural, public, semi-public, or other building typically receiving mail, having a telephone or otherwise requiring an address.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-101. Purpose.

The purpose of this article is to assure the orderly, county-wide naming and signing of public and private streets and numbering of structures in the county, thus enhancing the provision of fire and rescue services, law enforcement, mail delivery and the general conduct of business.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-102. Effective date.

This article shall become effective in total or in phases following implementation as determined by the board of supervisors or its designated agent.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-103. Administrative procedures.

- (a) The director of community development or the director's designated agent is designated as the agent responsible for the administration, implementation, and enforcement of this article.
- (b) The agent shall establish street names, signing and structure numbers in accordance with the Bedford County, Virginia Street Naming and Signing Guide, the Bedford County, Virginia Structure Numbering Guide

(Appendices 1 and 2 respectively) [which is on file with the county], and the provisions of this article, provided that the agent may make discretionary exceptions under specific situations to meet the intent of this article.

- (1) All applicants for building permits shall submit a drawings indicating the property identification number of the lot upon which the building will be located, the name of the street from which the building will be addressed, the location of the building upon the property, the location of the driveway or entrance onto the property, and such measurements and other information necessary for the agent to assign an address.
- (2) No certificate of occupancy shall be issued until the assigned structure number has been assigned by the county and posted as provided in this article. The property owner shall be responsible for affixing the structure number and removing any existing or previous structure numbers as necessary. The cost and maintenance of structure numbers shall be the responsibility of the property owner.
- (c) Henceforth, structure numbers may be assigned as provided in this article by the agent to each lot or parcel shown on each development plan or subdivision plat prior to final approval. A copy of each numbered plan or plat shall be maintained by the agent.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-104. Street naming and signing.

- (a) After the effective date of this article (October 1, 1994), it shall be the responsibility of the developer of any development or subdivision creating public or private streets or any individual creating a street to consult the agent and propose a name for such streets in accordance with the Bedford County, Virginia Street Naming and Signing Guide and this article. Proposed names must be reviewed and approved by the agent prior to final approval of any development plan or subdivision plat. Approved street names must be shown on each development plan or subdivision plat.
- (b) After the effective date of this article (October 1, 1994), it shall be the responsibility of the developer of any development or subdivision creating public or private streets or any individual creating a street shall be responsible for expenses associated with the fabrication and installation of required street sign(s) by the county. The county shall provide the developer or individual with an invoice for the actual cost of such work with full payment to be received by the county prior to the ordering and installation of the required sign(s).
 - (1) For streets that are to be dedicated to the public, the agent shall submit the proposed locations of street name signs to the Virginia Department of Transportation for their review and approval prior to final approval of development plans or subdivision plats.
 - (2) For streets that are to remain private, the agent shall review the proposed locations of street name signs to ensure that they are proposed for placement on private property and in locations that will not restrict sight distance or otherwise create a hazard.
 - (3) In all cases, the proposed locations of street name signs and approved name of all new and existing streets must be shown on each development plan or subdivision plat prior to final approval.
- (c) Street name signs for any public or private street created after the effective date of this article (October 1, 1994), shall be installed at approved locations as determined by the agent prior to the issuance of a certificate of occupancy for the first structure to be occupied on that street.
- (d) The board of supervisors shall consider changing an approved street name upon receipt of a petition requesting the change, provided that the petition is signed by at least sixty (60) percent of the real property owners along the affected street. The county shall provide advance notice of the petition request to all property owners on the street proposed for renaming including the meeting date, time, and place of when

such request will be presented to the board of supervisors for consideration. The petition shall include the following information:

- (1) A statement identifying the reason(s) for the street name change and the identification of the current street name and the proposed new street name. Prior to submittal of such petition it shall be verified by the county agent that the requested street name does not conflict with any existing street name.
- (2) Full legal name of each petitioner, physical property address, mailing address, and telephone number. Each petitioner shall sign and date the petition. The petitioners shall designate one individual to serve as their representative in coordinating and processing their request with county staff.
- (3) A statement of understanding and agreement that the petitioners shall be responsible for all costs associated with the street name change including, but not limited to, street sign fabrication and installation, addressing reassignment, E911 mapping revisions, and citizen notification expenses. County staff will provide the petitioner's representative with an estimate of these costs after review of the petition request. No approved street name change shall be implemented or otherwise take effect until such time the county has collected full payment of street name change expenses from the petitioner's representative.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-105. Determination of structure numbers.

Structure numbers shall be assigned in accordance with the Bedford County, Virginia Structure Numbering Guide and this article.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-106. Size and location of structure numbers.

- (a) It shall be the responsibility of structure owners to provide and post structure numbers on their structures as herein provided.
- (b) Structure numbers for residences shall not be less than four (4) inches in height, be made of a durable material and shall be clearly visible. Structure numbers shall be conspicuously placed on, above, or at the side of the main entrance so that, whenever possible, the number is discernible from the street. Whenever a building is more than fifty (50) feet from the street, or when the entrance is not visible from the street, the structure number shall also be placed along a walk, driveway, or at another suitable location so that the structure number is discernible from the street. Where mailboxes are not affixed to the structure, structure numbers shall be shown on the mailbox in accordance with United States Postal Service Regulations.
- (c) Structure numbers shall be of a contrasting color to the background on which they are mounted.
- (d) Commercial and industrial structures shall display structure numbers of not less than eight (8) inches in height as follows:
 - (1) When possible, the number shall be displayed on, above, or to the side of the main entrance to the structure.
 - (2) There shall be no other wording or numbers within one (1) foot of the structure number.
- (e) Apartments, townhouses, shopping centers, manufactured and mobile home parks, and similar developments where one (1) main number is assigned to the development shall display that number at the development's main entrance. Such main numbers shall have a minimum height of eight (8) inches. Numbers or other designations for individual units within the development shall be not less than four (4) inches in height,

displayed on, above, or to the side of the main doorway of each unit and shall be clearly visible from the road, street, parking lot or walk providing primary access to the unit.

(Ord. No. O-0213-022, 2-25-2013)

Sec. 5-107. Enforcement and penalties.

- (a) Whenever the agent has reason to suspect there has been a violation of this article, notice shall be given of such violation and an order issued requiring the appropriate corrective measures be taken within thirty (30) days from the date of notification.
- (b) If the order is not complied with, the agent shall initiate necessary actions to terminate the violation through criminal or civil measures.
- (c) Any violation of this article shall constitute a class 4 misdemeanor. Subsequent to the thirty-day period following notification of violation, each day of violation shall constitute a separate violation.

(Ord. No. O-0213-022, 2-25-2013)

Secs. 5-108—5-121. Reserved.

ARTICLE III. ABATEMENT OF DERELICT AND BLIGHTED BUILDINGS

Sec. 5-122. Removal, repair, etc., of buildings that are declared to be derelict.

- (a) The owners of property within the county shall, at such time or times as the board of supervisors may prescribe, submit a plan to demolish or renovate any building that has been declared a "derelict building." For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six (6) months, has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.
- (b) If a building qualifies as a derelict building, the county shall notify the owner of the derelict building in writing that the owner is required to submit to the county a plan, within ninety (90) days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in such written notification. Such plan shall include a proposed time within which the plan will be commenced and completed. The plan may include one (1) or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The plan shall be subject to approval by the county. The county shall deliver the written notice to the address listed on the real estate tax assessment records of the locality. Written notice sent by first-class mail, with the locality obtaining a U.S. Postal Service Certificate of Mailing, shall constitute delivery pursuant to this section.
- (c) If, after being sent the notice specified above, the owner of the derelict building has not submitted a plan to the county within ninety (90) days, the county may exercise such remedies as provided in this section or as otherwise provided by law.
- (d) The owner of a building may apply to the county and request that such building be declared a derelict building for purposes of this section.

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- (e) The county, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.
 - (f) If the property owner's plan is to demolish the derelict building, the building permit application of such owner shall be expedited as is reasonably practicable. If the owner has completed the demolition within ninety (90) days of the date of the building permit issuance, the locality shall refund any building and demolition permit fees.
 - (g) If the property owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, the site plan or subdivision application and the building permit, as applicable, shall be expedited as is reasonably practicable. The site plan or subdivision fees may be refunded, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of fifty (50) percent of the standard fees established by the ordinance for site plan or subdivision applications for the proposed use of the property, or five thousand dollars (\$5,000.00) per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of fifty (50) percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or five thousand dollars (\$5,000.00) per property.
 - (h) Prior to commencement of a plan to demolish or renovate the derelict building, at the request of the property owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the property owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated for a period of not less than fifteen (15) years, and is transferable with the property. The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the department of historic resources to contribute to the significance of a registered historic district.
 - (i) Notwithstanding the provisions of this section, the county may proceed to make repairs and secure the building under section 5-9 hereof, or the locality may proceed to abate or remove a nuisance under Virginia Code § 15.2-900. In addition, the county may exercise such remedies as may exist under the Uniform Statewide Building Code and may exercise such other remedies available under general and special law.

(Ord. No. 0062518-09, 6-25-2018)

Sec. 5-123. Removal, repair, abatement, etc., of buildings and other structures harboring illegal drug use.

- (a) As used in this section:

Affidavit means the affidavit prepared by a locality in accordance with subdivision (b)(2) hereof.

Controlled substance means illegally obtained controlled substances or marijuana, as defined in § 54.1-3401 of the Code of Virginia, as amended.

Corrective action means the taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

Drug blight means a condition existing on real property which tends to endanger the public health or safety of residents of a county and is caused by the regular presence on the property of persons under the

influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.

Owner means the record owner of real property.

Property means real property.

- (b) In the event a property located in the county is subject to drug blight as defined hereinabove, the county may undertake corrective action with respect to property in accordance with the following procedures:
- (1) The county shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the county has used reasonable diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.
 - (2) The county shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the locality's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to thirty (30) days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the county will, if requested to do so, assist the owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.
 - (3) If no corrective action is undertaken during such 30-day period, the county shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subdivision, stating the date on which the locality may commence corrective action to abate the drug blight on the property, which date shall be no earlier than fifteen (15) days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the county. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek equitable relief, and the locality shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.
- (c) If the locality undertakes corrective action with respect to the property after complying with the provisions of subsection (b), the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes are collected.
- (d) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, as amended.
- (e) If the owner of such property takes timely corrective action pursuant to this ordinance, the county shall deem the drug blight abated, shall close the proceeding without any charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the county from initiating a subsequent proceeding if the drug blight recurs.

(Ord. No. 0062518-09, 6-25-2018)

Secs. 5-124—5-130. Reserved.

Chapter 6 ELECTIONS

ARTICLE I. IN GENERAL

Secs. 6-1—6-10. Reserved.

ARTICLE II. ELECTION DISTRICTS

DIVISION 1. GENERALLY

Sec. 6-11. Established.

The election districts of the county, with population of each set forth as of the 2010 United States Census, are as follows:

<u>District</u>	<u>Population</u>
Election District No. 1	11,354
Election District No. 2	11,351
Election District No. 3	11,230
Election District No. 4	11,600
Election District No. 5	11,363
Election District No. 6	11,662
Election District No. 7	10,902

(Ord. No. 0082613-10, 8-26-2013)

Sec. 6-12. One supervisor to be elected from each district.

One (1) supervisor shall be elected from each election district created by this article by the qualified voters thereof.

(Ord. No. 0082613-10, 8-26-2013)

Secs. 6-13—6-17. Reserved.

DIVISION 2. BOUNDARIES

Sec. 6-18. Generally.

The boundaries of the election districts of the county are shown on a map attached to the ordinance from which this article is derived and full written descriptions of such boundaries are set forth in the following section of this division.

Sec. 6-19. District No. 1.

The boundaries of Election District No. 1 shall be as follows:

Beginning at a point on the Bedford-Botetourt County line where the American Electric Power Company Troutville-Smith Mountain Transmission Line intersects the County boundary; continuing southeast along the transmission line for 2.7m to an unnamed creek; continuing southeast Route 635 (Jeters Chapel Rd.); then southeast and east along Jeters Chapel Road to Route 619 (Jordantown Rd.); then .1m east on Jordantown Road to Route 635 (Lovers Ln.); then southeast on Lovers Ln. to Sweet Shrub Ln.; then east on Sweet Shrub Ln. to Daffodill Dr.; then south on Daffodill Dr. to Farmer Ln.; then southeast on Farmer Ln. .2m; then north and east to Beaverdam Creek; then north and west on Beaverdam Creek for 1 mile to Lick Mountain Dr.; then east on Lick Mountain Dr. .4m to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then southeast along the transmission line to Locust Ridge Dr.; then along Locust Ridge Dr. to Walnut Shell Dr.; then north, east, and south on Walnut Shell Dr. to Wagon Ln.; then east on Wagon Ln. to Pineview Dr.; then northeast to Springfield Dr.; then east on Springfield Dr. to Route 755 (Nemmo Rd.); then south on Route 755 (Nemmo Rd.) to the transmission line; then southeast along the transmission line for 2.8m to Route 746 (Dickerson Mill Rd.); then northeast and east on Route 746 (Dickerson Mill Rd.) to Route 749 (Mead Valley Rd./Meadors Spur Rd.); then south on Route 749 (Mead Valley Rd./Meadors Spur Rd.) to Route 655 (Diamond Hill Rd.); then south on Diamond Hill Rd. to Route 122 (Moneta Rd.); then southwest on Moneta Rd. and continuing to the Bedford-Franklin County line (Roanoke River); then west along the boundary between Bedford and Franklin County, and north and west along the boundaries of Roanoke and Botetourt County at the point where the American Electric Power Company Troutville-Smith Mountain Transmission Line intersects the County boundary, the point of beginning.

Sec. 6-20. District No. 2.

The boundaries of Election District No. 2 shall be as follows:

Beginning at a point on the Bedford-Franklin County line (Roanoke River), then northeast and north on Route 122 (Moneta Rd.) to Route 655 (Diamond Hill Rd.); then northwest on Diamond Hill Rd. to Route 749 (Mead Valley Rd./Meadors Spur Rd.); then north on Mead Valley Rd. to Route 746 (Dickerson Mill Rd.); then north and west on Dickerson Mill Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line 1.7m to a point along the transmission line at 37.267, -79.712, then following along a north, slight northeast direction along unnamed mountain ridges and slopes to; Bore Auger Creek; then following in a east direction along Bore Auger Creek, crossing Route 754 (Saunders Grove Dr.); then continuing east along Bore Auger Creek to Goose Creek; then south and north along Goose Creek to Route 684 (Rocky Ford Rd.); then east on Rocky Ford Rd. to Route 691 (Robertson Rd.); then east along Robertson Rd. to Route 746 (Dickerson Mill Rd.); then northeast on Dickerson Mill Rd. to Route 680 (Wheatland Rd.); then north on Wheatland Rd. to the power line; then southeast on power line to Route 122 (Moneta Rd.); then south on Moneta Rd. to Route 747 (Joppa Mill Rd.); then east on Joppa Mill Rd. to Route 860 (Bunker Hill Loop); then south on Bunker Hill Loop to Route 747 (Old Country Rd.); then southeast on Old Country Rd. to Wells Creek; then east and southeast along Wells Creek to Machine Creek; then south and southeast along Machine Creek to Route 722 (Phelps Rd.); then east and southeast on Phelps Rd. to Route 43 (Virginia By-Way/Shingle Block Rd.); then south and southeast on Route 43 to Route 24 (Wyatts Way); then south and east then north and east on Wyatts Way to Big Otter River; then southeast along Big Otter River to the boundary line between Bedford and Campbell County; then southwest along the Bedford-Campbell County boundary line to Leesville Lake at the mouth of Anthony Mill Creek; then west along the boundary between Bedford and Campbell County, Pittsylvania County, and Franklin County to a point on the Bedford County-Franklin County line, the point of beginning.

Sec. 6-21. District No. 3.

The boundaries of Election District No. 3 shall be as follows:

Beginning at a point on Route 622 (Waterlick Rd.) at the Bedford-Campbell County line, then southwest along the Bedford-Campbell County boundary line to Big Otter River, then west on Big Otter River to Route 24 (Wyatts Way); then south, west, and north on Wyatts Way to Route 43 (Virginia By-Way/Shingle Block Rd.); then north on Route 43 (Virginia By-Way/Shingle Block Rd.); then northwest on Route 725 (Phelps Rd.) to Machine Creek; then west and northwest along Machine Creek to Wells Creek; then west along Wells Creek to Route 747 (Old County Rd.); then northwest along Old County Rd. to Route 860 (Bunker Hill Loop); then north on Bunker Hill Loop to Route 747 (Joppa Mill Rd.); then west on Joppa Mill Rd. to Route 122 (Moneta Rd.); then north on Moneta Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest on power line to Fiddler Creek; then north on Fiddler Creek to Fairfield Rd.; then southeast on Fairfield Rd. to Route 746 (Dickerson Mill Rd.); then northeast on Dickerson Mill Rd. to the Bedford Town boundary; then north and east along Town boundary to intersection of Route 714 (Falling Creek Rd.); then south along Falling Creek Rd. to the old abandoned landfill road; then northeast along the abandoned road to an unnamed branch of Poor House Creek; then north along the unnamed branch to Poor House Creek; then northeast on Poor House Creek to Little Otter River; then north and east along Little Otter River to US Routh 460 (East Lynchburg-Salem Tpke.); then east along East Lynchburg Salem Tpke. to Big Otter River; then north along Big Otter River to Elk Creek; then northeast along Elk Creek, crossing Routes 668 (Goode Rd.), 643 (Bellevue Rd.) and Route 622 (Everett Rd.) to an unnamed branch connecting to Old Elkton Dr. then following east and south to Big Maple Dr.; then south on Big Maple Dr. to Otterview Rd.; then southeast on Otterview Rd. to Route 622 (Everett Rd.); then following Everett Rd. to power line; then south along power line for 1.26m to a farm road connecting to Route 811 (Thomas Jefferson Rd.) approximately .4m north of Route 1645 (Smoketree Dr.), then northeast on Thomas Jefferson Rd. to Route 622 (Waterlick Rd.); then southeast on Waterlick Rd. to the Bedford-Campbell County line, the point of beginning.

Sec. 6-22. District No. 4.

The boundaries of Election District No. 4 shall be as follows:

Beginning at a point where Route 663 (Perrowville Rd.) intersects with the American Electric Power Company Lynchburg-Roanoke (East-West) Transmission line; then northeast along the transmission line to a point where the transmission line meets Ivy Creek; then south along Ivy Creek, continuing along Ivy Creek and then Ivy Lake to a point where Ivy Lake meets (generally) the end of Haines Point Ter.; then north along Haines Point Ter. to Eastwind Dr.; then continuing along Eastwind Dr. to the intersection of Route 1262 (Ivy Lake Dr.); then south and southwest along Ivy Lake Dr. to a point where Ivy Lake Dr. intersects with Ivy Creek; then southeast, east and northeast along Ivy Creek to Route 621 (Cottontown Rd.); then east and south on Route 621 (Cottontown Rd.) to the Norfolk Southern railroad; then northeast along the railroad to the boundary of Bedford County and City of Lynchburg; then southeast along the boundary line between Bedford County and City of Lynchburg, then south along the Bedford-Campbell County boundary line to Route 622 (Waterlick Rd.); then northwest on Route 622 (Waterlick Rd.) to Route 811 (Thomas Jefferson Rd.); then south on Route 811 (Thomas Jefferson Rd.) to a farm road connecting approximately .4m north of Route 1645 (Smoketree Dr.); then west on the farm road to a powerline; then following north along the power line for 1.26m to Route 622 (Everett Rd.); then east on Everett Rd. to Otterview Rd.; then north and west on Otterview Rd. to Big Maple Drive; then northwest on Big Maple Drive to an unnamed branch; then following the unnamed branch north and west, crossing Old Elkton Dr., and continuing to Elk Creek; then following Elk Creek north to Route 221 (Forest Rd.); then following Forest Road to Route 663 (Perrowville Rd.); then north and west on Perrowville Rd. to the intersection with the American Electric Power Company Lynchburg-Roanoke (East-West) Transmission line, the point of beginning.

Sec. 6-23. District No. 5.

The boundaries of Election District No. 5 shall be as follows:

Beginning at a point on the boundary line between Bedford County and the City of Lynchburg at the Norfolk Southern spur line; then south along the railroad to its intersection with Route 621 (Cottontown Rd.); then northwest

along Route 621(Cottontown Rd.) to Ivy Creek; then west along Ivy Creek to the point where Ivy Creek meets Route 1262 (Ivy Lake Dr.); then northeast and north along Ivy Lake Dr. to Eastwind Dr.; then along Eastwind Dr. to Haines Point Ter.; then south to the end of Haines Point Ter. to a point where Haines Point Ter. meets Ivy Lake (generally). Then north along Ivy Lake and then Ivy Creek the American Electric Power Company Lynchburg-Roanoke (East-West) Transmission line; then west along the transmission line to Route 663 (Perrowville Rd.); then north on Route 663 (Perrowville Rd.) to Route 644 (Coffee Rd.); then west along Route 644 (Coffee Rd./Old Cifax Rd./Lankford Mill Rd.) to Big Otter River; then west along Big Otter River, then Sheep's Creek, to Route 43 (Peaks Rd.); then northwest on Peaks Rd. to the Blue Ridge Parkway; then northwest along the Blue Ridge Parkway to the boundary between Bedford, Botetourt, Rockbridge, and Amherst Counties to the City of Lynchburg; then south along the boundary line with the City of Lynchburg to the Norfolk Southern spur line , the point of beginning.

Sec. 6-24. District No. 6.

The boundaries of Election District No. 6 shall be as follows:

Beginning at a point on the Blue Ridge Parkway at the boundary between Bedford and Botetourt Counties; then east along the County line to a point north of the Royal Ambassador Camp Lake and south of the Blue Ridge Parkway, being the crest of McFalls Mountain; then southwest along the crest of McFalls Mountain to the summit of Campbell's Mountain and then continuing south, crossing Route 680 (Murrells Gap Rd.) in Murrells Gap; then south along Peaks Shadow Rd., continuing south on an unimproved road to the end of Route 692 (Cool Springs Rd.); then south on Route 692 (Cool Springs Rd.) to Route 717 (Murray Hollow Rd.); then southwest on Route 717 (Murray Hollow Rd.) to Route 689 (Irving Rd.); then west on Route 689 (Irving Rd.) to Route 460 (W Lynchburg-Salem Tpke.); then east on Route 460 (W Lynchburg-Salem Tpke.) to the Bedford Town boundary; then north, east, and northeast along City boundary to Route 43 (Peaks St.); then following south on Peaks St. to Bridge St.; then south on Bridge St. to E Main St.; then east on E Main St. to Link Rd.; then south on Link Rd. to the Town boundary; then north and west and southwest on the Town boundary to Route 746 (Dickerson Mill Rd.); then west and southwest on Dickerson Mill Rd. to Fairfield Rd.; then west on Fairfield Rd. to Fiddler Creek; then southwest on Fiddler Creek to power line; then northwest on power line to Route 680 (Wheatland Rd.); then south on Wheatland Rd. to Route 746 (Dickerson Mill Rd.); then southwest on Dickerson Mill Rd. to Route 691 (Robertson Rd.); then west on Robertson Rd. to Route 684 (Rocky Ford Rd.); then west and south on Rocky Ford Rd. to Goose Creek; then following Goose Creek south and then north to Bore Auger Creek ; then following south and slight southwest direction along unnamed mountain ridges and slopes to a point at 37.267, -79.712 on the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line to Route 755 (Nemmo Rd.); then northwest on Route 755 (Nemmo Rd.) to Springfield Dr., then west on Springfield Dr. to Pineview Dr.; then southwest on Pineview Dr. to Wagon Ln; then northwest along Wagon Ln to Walnut Shell Dr.; then north, west and south on Walnut Shell Dr. to Locust Ridge Dr.; then southwest on Locust Ridge Dr. to the transmission line; then northwest along transmission line to Lick Mountain Dr.; then northwest along Lick Mountain Dr. to Beaverdam Creek; then following Beaverdam Creek, then southwest to Farmer Ln.; then northwest on Farmer Ln to Daffodill Dr.; then north on Daffodill Dr. to Sweet Shrub Ln.; then west on Sweet Shrub Ln. to Lovers Ln.; then north on Lovers Ln. to Jordantown Rd., the west on Jordantown Rd. to Jeters Chapel Rd.; then northwest on Jeters Chapel Rd., to the transmission line; then northwest along the transmission line to the boundary line between Bedford and Botetourt Counties; then north along the Bedford-Botetourt County line to a point on the Blue Ridge Parkway, the point of beginning.

Sec. 6-25. District No. 7.

The boundaries of Election District No. 7 shall be as follows:

Beginning at a point where US 460 (E Lynchburg Salem Tpke.) intersects the Little Otter River; then east on US 460 (E Lynchburg Salem Tpke.) to the intersection where Rt 460 crosses the Big Otter River; then north on the Big Otter River to Elk Creek; then east and north along Elk Creek to its intersection with Route 221 (Forest Rd.); then east on Forest Rd. to Route 663 (Perrowville Rd.); then northwest on Perrowville Rd. to (Old Cifax Rd.); then west and south along Route 644 (Old Cifax Rd./Lankford Mill Rd.) to the Big Otter River; then west and north along Big Otter River (Sheep's Creek) to Route 43 (Peaks Rd.); then northwest on Route 43 (Peaks Rd.) to the Blue Ridge Parkway; then

northwest along the Blue Ridge Parkway on the County boundary along the Botetourt County line to a point north of the Royal Ambassador Camp Lake and south of the Blue Ridge Parkway, being the crest of McFalls Mountain; then southwest along the crest of McFalls Mountain to the summit of Campbell's Mountain and then continuing south, crossing Route 680 (Murrells Gap Rd.) in Murrells Gap; then south along Peaks Shadow Rd., continuing south on an unimproved road to the end of Route 692 (Cool Springs Rd.); then south on Route 692 (Cool Springs Rd. to Route 717 (Murray Hollow Rd.); then southwest on Route 717 (Murray Hollow Rd.) to Irving Rd., then west on Irving Rd. to Rt 460; then east on Route 460 to the Bedford Town boundary; then north, east, and northeast along Town boundary to Route 43 (Peaks St.); then following south on Peaks St to Bridge St.; then south on Bridge St. to E Main St.; then east on E Main St. to Link Rd.; then south on Link Rd to Falling Creek Rd.; then south on Route 714 (Falling Creek Rd.) to the old abandoned landfill road; then northeast along the abandoned road to an unnamed branch of Poor House Creek; then northeast on Poor House Creek to Little Otter River; then north and east along Little Otter River to a point of intersection with US Route 460, (Lynchburg-Salem Turnpike), the point of beginning.

Secs. 6-26—6-35. Reserved.

(Ord. No. 0062722-06, 06-27-2022)

ARTICLE III. PRECINCTS AND POLLING PLACES

DIVISION 1. GENERALLY

Sec. 6-36. Established.

The election precincts shall be named according to the polling place location, as follows:

ELECTION DISTRICT NO. 1

Precinct/Polling Place

Goodview Elementary School
Hardy Volunteer Fire Company
Chamblissburg Baptist Church
Barnhardt Baptist Church
Diamond Hill Baptist Church

ELECTION DISTRICT NO. 2

Precinct/Polling Place

Bedford Christian Church
Staunton River High School
Eastlake Community Church
Huddleston Elementary School
Saunders Volunteer Fire Company

ELECTION DISTRICT NO. 3

Precinct /Polling Place

New London Academy
Bedford County Gym
Forest Alliance Church
One In Christ Church
Forest Fire Station #2

ELECTION DISTRICT NO. 4

Precinct/Polling Place

Forest Elementary School
Thomas Jefferson Elementary School
Pleasant View Baptist Church
Forest Recreation Center

ELECTION DISTRICT NO. 5

Precinct Name/Polling Place

Big Island Elementary School
Suck Spring Baptist Church
Boonsboro Elementary School
Boonsboro Ruritan Club

ELECTION DISTRICT NO. 6

Precinct Name/Polling Place

Montvale Elementary School
Shady Grove Fire Department
Bedford Moose Lodge
Bedford Welcome Center

ELECTION DISTRICT NO. 7

Precinct Name /Polling Place

Goode Rescue Squad
Liberty High School
Thaxton Baptist Church
Bedford Central Library
Mountain View Church

(Ord. No. O062722-06, 06-27-2022; O021323-06, 02-13-2023; O012224-04, 01-22-2024)

DIVISION 2. PRECINCT BOUNDARIES

Sec. 6-42. Generally

The boundaries of the election precincts of the county are shown on map attached to the ordinance from which this article is derived and full written descriptions of such boundaries are set forth in the following sections of this division.

Sec. 6-43. District No. 1 precincts.

The boundaries of the precincts in Election District No. 1 shall be as follows:

(1) Goodview Elementary School Precinct:

Beginning at a point on the Bedford-Botetourt County line where Route 24 (Stewartsville Rd.) crosses said boundary, then southeast along Route 24 (Stewartsville Rd.) to Route 653 (Mill Iron Rd.); then south on Route 653 (Mill Iron Rd.) to Kates Creek; then following Kates Creek north and then southwest to Beaverdam Creek; then south to the Roanoke River; then following the Roanoke River to the County boundary; then west and north along the County boundary between Bedford and Franklin County to the confluence of the Roanoke River and Falling Creek; then northwest along Falling Creek to Rt. 619 (Turner Branch Rd); then west on Rt. 619 (Turner Branch Rd) to Rt 634 (Hardy Rd); then west on Rt 634 (Hardy Rd) to the Bedford County – Roanoke County boundary; then north along Bedford County – Roanoke County boundary to the intersection with Route 24 (Stewartsville Rd.), the point of beginning.

(2) Hardy Fire and Rescue:

Beginning at a point on the Bedford-Roanoke County line at Route 634 (Hardy Road); then south along the boundary line to the intersection with the Franklin County boundary line, on the Roanoke (Staunton) River; then east along the Bedford-Franklin County line to the mouth of Falling Creek; then northwest along Falling Creek to Route 619 (Turner Branch Road); then west on Rt. 619 (Turner Branch Rd) to Rt 634 (Hardy Rd); then west on Rt 634 (Hardy Rd) to the Bedford County – Roanoke County boundary, the point of beginning.

(3) Chamblissburg Baptist Church:

Beginning at a point on the Bedford-Franklin County line at the mouth of Beaverdam Creek; then north along Beaverdam Creek to the mouth of Kates Creek; then along Kates Creek to Route 653 (Mill Iron Road); then north along Route 653 (Mill Iron Road), to Route 24 (Stewartsville Road); then east on Route 24 (Stewartsville Road) to Route 746 (Dickerson Mill Rd.), then northeast along Dickerson Mill Rd., to Route 749 (Mead Valley Rd.), then south on Route 749 (Mead Valley Rd.) to Route 608 (Emmaus Church Rd.), then northwest on Emmaus Church Rd. to Rt. 757 (Goodview Town Rd.); then southwest on Rt. 757 (Goodview Town Rd.) to Rt 616 (Horseshoe Bend Rd.), then south on Route 616 (Horseshoe Bend Rd.) to Snidow Dr.; then southeast on Snidow Dr. to the County Line between Bedford and Franklin County; then follow the Roanoke River to Falling Creek and Falling Creek to a point on the Bedford-Franklin County line at the mouth of Beaverdam Creek, the point of beginning.

(4) Barnhardt Baptist Church:

Beginning at a point on the Bedford-Botetourt County line where Route 24 (Stewartsville Rd.) crosses said boundary, then southeast along Route 24 (Stewartsville Rd.) to Route 746 (Dickerson Mill Rd.); then north on Dickerson Mill Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line to Route 755 (Nemmo Rd.); then northwest on Route 755 (Nemmo Rd.) to Springfield Dr., then west on Springfield Dr. to Pineview Dr.; then southwest on Pineview Dr. to Wagon Ln.; then west on Wagon Ln to Walnut Shell Dr.; then north, west and south on Walnut Shell Dr. to Locust Ridge Dr.; then southwest on Locust Ridge Dr. to the transmission line; then northwest along transmission line to Lick Mountain Dr.; then northwest along Lick Mountain Dr. to Beverdam Creek; then south on Beaverdam Creek, then southeast to Farmer Ln.; then northwest to Daffodill Dr.; then north to Sweet Shrub Ln.; then west to Lovers Ln.; then north to Jordantown Rd., the west to Jeters

Chapel Rd.; then northwest on Jeters Chapel Rd., to the transmission line; then northwest along the transmission line to the boundary line between Bedford and Botetourt Counties; then south along the Bedford-Botetourt County line to a point where Route 24 (Stewartsville Rd.) crosses said boundary, the point of beginning.

(5) Diamond Hill Baptist Church:

Beginning at a point on the Bedford-Franklin County boundary where Route 122 (Moneta Rd.) meets the Roanoke River; then continuing northwest along the west the bank of the Roanoke River; then in a northwest direction to the end of Hales Creek Dr.; then west on Hales Creek Dr. to Snidow Dr.; then following north along Snidow Dr. to Route 616 (Horseshoe Bend Rd.); then north on Route 616 (Horseshoe Bend Rd.) to Route 757(Goodview Town Rd.); then northeast on Route 757(Goodview Town Rd.) to Route 608 (Emmaus Church Rd.); then southeast on Emmaus Church Rd. to Route 749 (Meadors Spur Rd.); then south on Meadors Spur Rd. to Route 655 (Diamond Hill Rd.), then southeast on Route 655 (Diamond Hill Rd.)to Route 122; then south on 122 to the Bedford-Franklin County boundary at the Roanoke River, the point of beginning.

Sec. 6.44. District No. 2 precincts.

The boundaries of the precincts in Election District No. 2 shall be as follows:

(1) Bedford Christian Church:

Beginning at a point where Route 691(Shepherds Store Rd.) intersects with Route 746 (Dickerson Mill Rd.); then north on Dickerson Mill Rd. to Route 680 (Wheatland Rd.); then north on Wheatland Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then southeast (generally) along the transmission line to Route 122 (Moneta Rd.); then south on Moneta Rd. to Joppa Mill Rd; then east on Joppa Mill Rd. to Bunker Hill Loop; then south on Bunker Hill Loop to Old Country Rd; then southeast on Old Country Rd. until it crosses Wells Creek; then follow Wells Creek east for 1 mile; then head in a southern direction to reach a point where Montevideo Rd. crosses Machine Creek; then south on Machine Creek to Phelps Rd; then southeast on Phelps Rd. to Route 43 (Virginia Byway); then south on Route 43 (Virginia Byway) to Shingle Block Rd; then southwest on Shingle Block Rd. to Rock Cliff Rd.; then north on Rock Cliff Rd. to Route 122 (Moneta Rd.); then south and west on Route 122 (Moneta Rd.) for about 0.27 miles to a point on the road; then following a northwest direction for about 0.74 miles to Mob Creek; then southwest on Mob Creek to Goose Creek; then northwest on Goose Creek to Route 747 (Joppa Mill Rd.); then northeast on Joppa Mill Rd. to Route 691 (Shepherds Store Rd.); then northwest on Shepherds Store Rd. to the intersection with Route 746 (Dickerson Mill Rd.), the point of beginning.

(2) Staunton River High School:

Beginning at a point where Route 746 (Dickerson Mill Rd.) intersects with the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line 1.7m to a point along the transmission line at 37.267, -79.712, then following along a north, slight northeast direction along unnamed mountain ridges and slopes to Bore Auger Creek; then following in a east direction along Bore Auger Creek, crossing Route 754 (Saunders Grove Dr.); then continuing east along Bore Auger Creek to Goose Creek; then south and north along Goose Creek to Route 684 (Rocky Ford Rd.); then east on Rocky Ford Rd. to Route 691 (Robertson Rd.); then east along Robertson Rd. to Route 746 (Dickerson Mill Rd.); then northeast on Route 746 (Dickerson Mill Rd.) to Route 691 (Shepherds Store Rd.); then south on Shepherds Store Rd. to Route 747 (Joppa Mill Rd.); southwest on Joppa Mill Rd. to Goose Creek; then south on Goose Creek to Mob Creek; then east on Mob Creek for 1.19 miles; then following a southeast direction to a point along Route 122 (Moneta Rd.) at 37.23, -79.54; then south and west on Route 122 to the intersection with the Railroad; then northwest along the Railroad to the intersection with Route 749 (Meadors Spur Rd./Mead Valley Rd.); then north on Meador Spur Rd. to Route 746 (Dickerson Mill Rd.); then west on Dickerson Mill

Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line, the point of beginning.

(3) EastLake Community Church:

Beginning at a point on the Bedford-Franklin County line (Roanoke River), then northeast and north on Route 122 (Moneta Rd.) to Route 655 (Diamond Hill Rd); then northwest on Diamond Hill Rd. to Route 749 (Meadors Spur Rd.); then north on Meadors Spur Rd. to the Railroad; then southeast along the Railroad to the intersection with Route 122 (Moneta Rd.); then northeast on Moneta Rd. to Route 735 (Rock Cliff Rd.); then southeast on Rock Cliff Rd. to Route 24 (Shingle Block Rd.); then east on Shingle Block Rd. to Route 732 (Headens Bridge Rd.); then south on Headens Bridge Rd. to Route 731 (Gladdy Branch Rd.); then south on Gladdy Branch Rd. to Gladder Branch creek then south along Gladder Branch creek to the Railroad; then west along the Railroad to Goose Creek; then following Goose Creek west to Bold Branch Creek; then southwest along Bold Branch Creek to Foster Farm Ln.; then south on Foster Farm Ln. to Route 737 (Ayers Rd.); then southwest on Ayers Rd. to Route 608 (White House Rd.); then south on White House Rd. to Route 835 (Skyway Dr.); then south and west on Skyway Dr. to the Roanoke River; then north and west along the Bedford-Franklin County line (Roanoke River) to Route 122 (Moneta Rd.), the point of beginning.

(4) Huddleston Elementary School

Beginning at the point where Route 24 (Wyatts Way) crosses Big Otter River; then southeast along Big Otter River to the Bedford-Campbell County line; then south on the Bedford-Campbell County line to Leesville Lake; then continuing on the Bedford-Pittsylvania County line for about 1.84 miles to a point along the line; then following a northern direction to where the transmission line intersects a branch of Leesville Lake (south of Mill Creek); then northeast on the transmission line to Long Branch creek, then north on Long Branch creek for about 0.6 miles to a fire trail; then northeast along this fire trail to a point at 37.09, -79.46; then continuing north from the field to Old Firetrail Rd.; then west on Old Firetrail Rd. to Ridgewood Rd., then north on Ridgewood Rd. to an unnamed branch; then north along the unnamed branch to Carter Mill Creek; then west along Carter Mill Creek to the mouth of Clover Creek, west of Route 734 (Dundee Road); then west along Clover Creek to Route 732 (Clover Creek Road); then northwest along Route 732 (Clover Creek Road) to Route 626 (Smith Mountain Lake Pky.); then north on Route 626 (Smith Mountain Lake Pky.) to Stone Mountain Rd.; then west on Stone Mountain Rd. to collection of unnamed branches in The Meadows of Goose Creek; then north along the branches, crossing the transmission line, to Rockcastle Creek; then north on Rockcastle Creek Headens Bridge Rd.; then north on Headens Bridge Rd. to Goose Creek; then east along Goose Creek to the railroad, then along the railroad to an unnamed branch of Goose Creek; then north on the unnamed branch of Goose Creek to Gladdy Branch Rd.; then north on Gladdy Branch Rd. to Headens Bridge Rd.; then northeast on Headens Bridge Rd. to Route 24 (Glenwood Dr.); then east on Glenwood Dr. to Route 24 (Wyatts Way); then east on Wyatts Way to its crossing with Big Otter River, the point of beginning.

(5) Saunders Volunteer Fire Company:

Beginning at a point on the Bedford-Pittsylvania County line at the mouth of Anthony Mill Creek; then northwest along the creek to its headwaters; then northeast along the transmission line to the headwaters of Long Branch; then north along Long Branch for about 0.6 miles to a fire trail; then northeast along this fire trail to a point at 37.09, -79.46; then continuing north from the field to Old Firetrail Road; then west on Old Firetrail Rd. to Ridgewood Rd.; then north on Ridgewood Road to an unnamed branch; then north along the unnamed branch to Carter Mill Creek; then west along Carter Mill Creek to the mouth of Clover Creek, west of Route 734 (Dundee Road); then west along Clover Creek to Route 732 (Clover Creek Road); then northwest along Route 732 (Clover Creek Road) to Route 626 (Smith Mountain Lake Pky.); then north on Route 626 (Smith Mountain Lake Pky.) to Stone Mountain Rd.; then west on Stone Mountain Rd. to an unnamed branch in The Meadows of Goose Creek; then north along the branch to Rockcastle Creek; then north on Rockcastle Creek to Goose Creek; then west along Goose Creek to the mouth of Bold Branch, southeast of Stone Mountain; then southwest along Bold Branch to the point of intersection with two unnamed branches near its headwaters; then south along the southern branch; to intersect with Foster Lane; then south along

Foster Lane to Route 737 (Ayers Road); then southwest along Route 737 (Ayers Road) to Route 608 (White House Road); then south on Route 608 (White House Road) to the intersection of Route 835 (Skyway Road); then southwest along Route 835 (Skyway Road) to the normal lake level of the waters of Merriman Run; then south through the Roanoke River to a point on the boundary line between Bedford and Franklin Counties at 37.09, -79.61; then east along the Bedford-Franklin County line to the Bedford-Pittsylvania County line; then continuing east along the county line to the mouth of Anthony Mill Creek, the point of beginning.

Sec. 6-45. District No. 3 precincts.

The boundaries of the precincts in Election District No. 3 shall be as follows:

(1) New London Academy:

Beginning at a point where US 460 (East Lynchburg-Salem Turnpike) crosses Big Otter River, then north along Big Otter River to the mouth of Elk Creek; then north along Elk Creek to the intersection of Route 622 (Everett Road); then southeast along Route 622 (Everett Road) to St. Paul's Church Circle, then southeast along St. Paul's Church Circle; then continuing past St. Paul's Church Circle in a southeast direction for approximately 1.1 miles to Route 811 (Thomas Jefferson Road) approximately .1 mile east of Route 1645 (Smoketree Dr.); then northeast on Route 811 (Thomas Jefferson Road) to the intersection of Route 623 (Turkeyfoot Road); then southeast along Route 623 (Turkeyfoot Road) to the Bedford-Campbell County line; then south on the Bedford-Campbell County line to the intersection with US 460 (East Lynchburg-Salem Tpk); then west along US 460 (East Lynchburg-Salem Tpk), to the intersection with the Big Otter River, the point of beginning.

(2) Bedford County Gym:

Beginning at a point where Big Otter River intersects with Route 24 (Wyatts Way); then south, west, and north on Wyatts Way to Route 43 (Virginia By-Way/Shingle Block Rd.); then north on Route 43 (Virginia By-Way/Shingle Block Rd.) to Route 725 (Phelps Rd.); ; then northwest on Route 725 (Phelps Rd.) to Machine Creek; then west and northwest along Machine Creek to Route 747 (Old County Rd.); then northwest along Old County Rd. to Route 860 (Bunker Hill Loop); then north on Bunker Hill Loop to Route 747 (Joppa Mill Rd.); then west on Joppa Mill Rd. to Route 122 (Moneta Rd.); then north on Moneta Rd. to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest on power line to Fiddler Creek; then north on Fiddler Creek to Fairfield Rd.; then southeast on Fairfield Rd. to Route 746 (Dickerson Mill Rd.); then northeast on Dickerson Mill Rd. to the Bedford Town boundary; then north and east along Town boundary to intersection of Route 714 (Falling Creek Rd.); then south along Falling Creek Rd. to the old abandoned landfill road; then northeast along the abandoned road to an unnamed branch of Poor House Creek; then north along the unnamed branch to Poor House Creek; then northeast on Poor House Creek to Little Otter River; then north and east along Little Otter River to US Routh 460 (East Lynchburg-Salem Tpk.); then east along US 460 (East Lynchburg Salem Tpk.) to the Big Otter River; then south and east along Big Otter River to the intersection of Route 24 (Wyatts Way), the point of beginning.

(3) Forest Alliance Church:

Beginning at a point where Route 622 (Everett Rd.) intersects with Otterview Rd. and continuing southwest on Everett Rd. to the powerline ; the south on the powerline to an unnamed branch connecting with Route 811 (Thomas Jefferson Rd.) approximately .4m north of Smoketree Dr.; then south on Thomas Jefferson Rd. approximately .1 mile; then northwest to St. Paul Church Circle (following Census Tract 030203); then north to Everett Rd.; then following Everett Rd. north and northwest to Elk Creek; then following Elk Creek to an unnamed branch approximately .15 miles

south of Route 666 (Elkton Farm Rd.); then following the unnamed branch to Big Maple Drive; then south on Big Maple Drive to Otterview Rd.; then southeast on Otterview Rd. to Everett Rd., the point of beginning.

(4) One In Christ Church:

Beginning at a point on the Bedford-Campbell County line on Route 623 (Turkeyfoot Road); then northwest on Route 623 (Turkeyfoot Road) to Route 811 (Thomas Jefferson Road); then north on Route 811 (Thomas Jefferson Road) to Route 622 (Waterlick Road); then east on Route 622 (Waterlick Road) to the Bedford-Campbell County line; then south on the county line to Route 623 (Turkeyfoot Road), the point of beginning.

(5) Forest Fire Station #2:

Beginning at a point where US 460 intersects the Bedford-Campbell County line; then south along the Bedford-Campbell County line to Big Otter River; then west and north along Big Otter River to US 460; then east along US 460 to the Bedford-Campbell County line, the point of beginning.

(Ord. No. 0012224-04, 01-22-2024)

Sec. 6-46. District No. 4 precincts.

The boundaries of the precincts in Election District No. 4 shall be as follows:

(1) Forest Elementary School:

Beginning at a point where Route 663 (Perrowville Rd.) intersects with the American Electric Power Company Lynchburg-Roanoke (East-West) Transmission line; then northeast along the transmission line to a point where the transmission line meets Ivy Creek; then south along Ivy Creek, continuing along Ivy Creek and then Ivy Lake to a point where Ivy Lake meets (generally) the end of Haines Point Ter.; then north along Haines Point Ter. to Eastwind Dr.; then continuing along Eastwind Dr. to the intersection of Ivy Lake Dr.; then south and southwest along Route 1262 (Ivy Lake Dr.) to a point where Ivy Lake Dr. intersects with Ivy Creek; then southeast, east and northeast along Ivy Creek to Route 1232 (Whistling Swan Dr.); then south on Whistling Swan Dr. to Route 1231 (McLaren Pl.); then east on McLaren Pl. to Route 1240 (Lake Vista Dr.); then south on Lake Vista Dr. to Route 1239 (Spring Lake Rd.); then west on Spring Lake Rd. to Route 609 (Gumtree Rd.); then south on Gumtree Rd. to US 221 (Forest Rd.); then west on Forest Rd. to Route 854 (Burnbridge Rd.); then southeast on Burnbridge Rd. to the Railroad; then west along the Railroad to Elk Creek; then north on Elk Creek to US 221 (Forest Rd.); then east on Forest Rd. to Route 663 (Perrowville Rd.); then northwest on Perrowville Rd. to the American Electric Power Company Lynchburg-Roanoke (East-West) Transmission line, the point of beginning.

(2) Thomas Jefferson Elementary School:

Beginning at a point where the Norfolk Southern railroad crosses the boundary of Bedford County and Campbell County; then southwest along the boundary line between Bedford County and Campbell County to Route 622 (Waterlick Rd.); then northwest on Waterlick Rd. to route 811 (Thomas Jefferson Rd.); then southwest on Thomas Jefferson Rd. to an unnamed driveway; then on the unnamed driveway for 0.36 miles; then from 0.0 miles in a northeast direction to a point on Everett Rd.; then northeast on Everett Rd. to Otterview Rd.; then north and west on Otterview Rd. to Big Maple Drive; then northwest on Big Maple Drive to an unnamed driveway; then following the driveway north and west, along the eastern perimeter of the lake and continuing, crossing Old Elkton Dr., and continuing to Elk Creek; then following Elk Creek north to the Railroad; then following the Railroad east to where it crosses the boundary of Bedford County and Campbell County, the point of beginning.

(3) Pleasant View Baptist Church:

Beginning at a point on the Bedford County and City of Lynchburg boundary line where the Norfolk Southern Railroad crosses the boundary; then following the Railroad southwest to Route 621 (Cottontown Rd.); then northwest on Cottontown Rd. to Ivy Creek; then following Ivy Creek south to Route 1232 (Whistling Swan Dr.); then south on Whistling Swan Dr. to McLaren Pl.; then southeast on Route 1231 (McLaren Pl.) to Route 1240 (Lake Vista Dr.); then south on Lake Vista Dr. to Route 1239 (Spring Lake Rd.); then west on Spring Lake Rd. to Route 609 (Gumtree Rd.); then south on Gumtree Rd. to US 221 (Forest Rd.); then east on Forest Rd. to Route 126 (Graves Mill Rd.); then east on Graves Mill Rd. to the Bedford County and City of Lynchburg boundary line; then north along the Bedford County and City of Lynchburg boundary to where the Norfolk Southern Railroad crosses the boundary, the point of beginning.

(4) Forest Recreation Center:

Beginning at a point where Route 1425 (Graves Mill Rd.) intersects the Bedford County and City of Lynchburg boundary line; then following the boundary line between Bedford County/City of Lynchburg and Bedford County/Campbell County south to the Norfolk Southern Railroad; then west along the Railroad to Route 811 (Thomas Jefferson Rd.); then north on Thomas Jefferson Rd. to Route 854 (Burnbridge Rd.); then northwest on Burnbridge Rd. to US 221 (Forest Rd.); then east on Forest Rd. to Route 1425 (Graves Mill Rd.); then east on Graves Mill Road to the Bedford County and City of Lynchburg boundary line, the point of beginning.

Sec. 6-47. District No. 5 precincts.

The boundaries of the precincts in Election District No. 5 shall be as follows:

(1) Big Island Elementary School:

Beginning at a point on the Bedford-Amherst County line near US 501(Lee Jackson Hwy.), where Cove Creek meets the James River, just east of Coleman Falls; then north, west, and south along the boundaries of Amherst, Rockbridge, and Botetourt Counties to a point where it intersects with Overstreet Creek between Bedford County and Botetourt County; then south and east along Overstreet Creek to Route 765 (Overstreet Creek Rd.); then east to Route 640 (Wheats Valley Rd.); then east on Wheats Valley Rd. to North Otter Creek; then south on North Otter Creek to Route 643 (Otterville Rd.); then east on Otterville Rd. to Route 644 (Old Cifax Rd.); then north and east along Old Cifax Rd. to the Virginia Electric Power Company Transmission Line (north-south); the north along the transmission line , then following in a northerly direction on the western slope of No Business Mountain, then in a westerly direction to Route 638 (Charlemont Rd.); then north on Route 638 (Charlemont Rd.) to Route 615 (Sweet Hollow Rd); then north on Route 615 (Sweet Hollow Rd) to No Business Mountain Rd; then on No Business Mountain Rd to the crest of No Business Mountain; then east along the crest of No Business Mountain to a jeep trail which crosses the transmission line; then east along the jeep trail to Indian Run Creek; then north on Indian Run Creek to the point of intersection with Route 752 (Fontella Road); then north along Route 752 (Fontella Road) to Route 652 (Walker Road); then continuing north on Walker Road to US 501 (Lee Jackson Hwy.); then east on Lee Jackson Hwy. to an unnamed creek; then north along the unnamed creek to the James River, the boundary between Bedford and Amherst County, the point of beginning.

(2) Suck Spring Baptist Church:

Beginning at a point on the Bedford-Rockbridge County line at an unnamed branch just southeast of Onion Mountain Overlook on the Blue Ridge Parkway near Overstreet Creek; then southwest along the Bedford County and Botetourt County boundary lines to Route 43 (Blue Ridge Parkway/Peaks Rd.); then south and east along Peaks Rd. to Big Otter River; then east along Big Otter River to Route 644 (Lankford Mill Rd.); then northeast on Route 644 (Lankford

Mill Rd./Old Cifax Rd.); then east on Old Cifax Rd., to Route 643 (Otterville Rd.); then north and west on Otterville Rd. to North Otter Creek; then north along North Otter Creek to Overstreet Creek; then west along Overstreet Creek to Route 640 (Wheats Valley Rd.); then west on Wheats Valley Rd. to Route 765 (Overstreet Creek Rd.); then north on Overstreet Creek Rd. to the Bedford-Rockbridge County boundary line, the point of beginning.

(3) Boonsboro Elementary School:

Beginning at a point on the Bedford County-Lynchburg line at Route 644 (Coffee Road); then west on Route 644 (Coffee Road) to Route 657 (Rocky Mountain Road); then north on Route 657 (Rocky Mountain Road) to Route 652 (Walker Road); then north on Route 652 (Walker Road) to US 501 (Lee Jackson Hwy.); then southeast on US 501 (Lee Jackson Hwy) to Cove Creek; then north on Cove Creek to the Bedford-Amherst County line at the James River; just east of Coleman Falls; then east along the boundary with Amherst County and proceeding to the boundary with the City of Lynchburg; then south along the boundary with the City of Lynchburg to Route 644 (Coffee Road), the point of beginning.

(4) Boonsboro Ruritan Club:

Beginning at a point on the boundary line between Bedford County and the City of Lynchburg where it intersects the Norfolk Southern Railroad; then South with the railroad to Cottontown Rd.; then north and west on Cottontown Rd. to where it intersects with Ivy Creek, then west along Ivy Creek to Ivy Lake Drive; then north on Ivy Lake Drive to Eastwind Drive; then west and south to Haines Point Terrace; then south, then north on Haines Point Terrace to a point where Ivy Lake (generally) meets Ivy Creek, then north along Ivy Creek to the transmission line; then west along the transmission line to Route 663 (Perrowville Road); then north on Route 663 (Perrowville Road) to Route 644 (Coffee Road/Old Cifax Road); then west on Route 644 (Old Cifax Road), approximately 1 mile to an unnamed branch; then north along the unnamed branch, then following in a northerly direction on the western slope of No Business Mountain, then in a westerly direction to Route 638 (Charlemont Rd.); then north on Route 638 (Charlemont Rd.) to Route 615 (Sweet Hollow Rd); then north on Route 615 (Sweet Hollow Rd) to No Business Mountain Rd; then on No Business Mountain Rd to the crest of No Business Mountain; then east along the crest of No Business Mountain crossing the Virginia Electric Power Company North-South Transmission Line to a jeep trail; then east along the jeep trail to Indian Run Creek; then north on Indian Run Creek to the point of intersection with Route 752 (Fontella Road); then north along Route 752 (Fontella Road), to Route 652 (Walker Road); then south on Route 652 (Walker Road) to Route 657 (Rocky Mountain Road); then south on Route 657 (Rocky Mountain Road) to Route 644 (Coffee Road); then east on Route 644 (Coffee Road) to the Lynchburg-Bedford County line; then south along the Lynchburg-Bedford County line to the Norfolk Southern Railroad and the point of beginning.

Sec. 6-48. District No. 6 precincts.

The boundaries of the precincts in Election District No. 6 shall be as follows:

(1) Montvale Elementary School:

Beginning at the intersection of the Bedford-Botetourt County line and McFalls Creek Rd., continuing south on the Bedford-Botetourt County line for about 1.24 miles;; then southwest along the crest of McFalls Mountain to the summit of Campbell's Mountain and then continuing south, crossing Route 680 (Murrills Gap Road) and Peaks Shadow Rd. in Murrills Gap; then south along an unimproved road to the end of Route 692 (Cool Springs Rd.); then southeast along Cool Springs Rd. to Route 717 (Murray Hollow Rd.); then south along Route 717 (Murray Hollow Rd.) to Route 689 (Irving Rd.); then west on Irving Rd. to US 460; then east on US 460 to Route 690 (Nester Rd.); then south on Nester Rd., to Route 619 (Foster Rd.); then southwest on Foster Rd. to Goose Creek; then following north on Goose Creek to Route 726 (Quarterwood Rd.); then north and west on Quarterwood Rd. to Monte Vista Rd.; then west on Monte Vista

Rd. for approximately 0.12 miles, then in a southmost direction for about 0.89 miles; then west from that point for about 1.84 miles, crossing Wiggington Knob, to a point on Sandy Ford Rd. ; then west on Sandy Ford Rd. to Route 607 (Porters Mountain Rd.); then west on Porters Mountain Road to the boundary line between Bedford County and Botetourt County; then north along the boundary line to the intersection of the Bedford-Botetourt County line and McFalls Creek Rd., the point of beginning.

(2) Shady Grove Fire Department:

Beginning at a point on the Bedford-Botetourt County line where Route 607 (Porters Mountain Rd.) crosses said boundary, then north and east along Porters Mountain Rd. to Route 616 (Sandy Ford Rd.); then continue on Sandy Ford Rd for 0.77 miles; then east for 1.84 miles; then north from that point for about 0.89 miles, crossing Monte Vista Rd., to Quarterwood Rd.; then southeast on Quarterwood Rd. to Route 726 (Wilkerson Mill Rd.); then north on Route 726 (Wilkerson Mill Rd.) to Goose Creek; then southeast along Goose Creek to Route 691 (Thaxton Mountain Rd.); then southeast on Route 691 (Thaxton Mountain Rd.) to Route 684 (Rocky Ford Rd.); then west on Route 684 (Rocky Ford Rd.) to Goose Creek; then west, northwest, and west on Goose Creek; then following a south and slight southwest direction along unnamed mountain ridges and slopes to a point at 37.267, -79.712 on the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line to Route 755 (Nemmo Rd.); then northwest on Route 755 (Nemmo Rd.) to Springfield Dr., then west on Springfield Dr. to Pineview Dr.; then southwest on Pineview Dr. to Wagon Ln.; then on Wagon Ln. to Walnut Shell Dr.; then north, west and south on Walnut Shell Dr. to Locust Ridge Dr.; then southwest on Locust Ridge Dr. to the transmission line; then northwest along transmission line to Lick Mountain Dr.; then northwest along Lick Mountain Dr. to Beverdam Creek; then following Beaverdam Creek southeast to the point 37.28, -79.75 on the creek; then following a northwestern direction to Farmer Ln.; then northwest to Daffodill Dr.; then north to Sweet Shrub Ln.; then west to Lovers Ln.; then north to Jordantown Rd., then west to Jeters Chapel Rd.; then northwest on Jeters Chapel Rd. to an unnamed stream; then northwest on the unnamed stream to the transmission line; then northwest along the transmission line to the boundary line between Bedford and Botetourt Counties; then north along the Bedford-Botetourt County boundary to Route 607 (Porters Mountain Rd.), the point of beginning.

(3) Bedford Moose Lodge:

Beginning at a point where US 460 intersects with Route 690 (Nester Rd.) and continuing east on US 460 to the Bedford Town boundary; then continuing south and east along the Town boundary to Route 746 (Dickerson Mill Rd.); then west and south on Dickerson Mill Rd. to Fairfield Rd.; then east on Fairfield Rd. to Fiddler Creek; then south on Fiddler Creek to the American Electric Power Company Troutville-Smith Mountain Transmission Line; then northwest along the transmission line to Route 680 (Wheatland Rd.); then south on Wheatland Rd. to Dickerson Mill Rd.; then southwest on Dickerson Mill Rd. to Route 591 (Robertson Rd.); then west on Robertson Rd., to Route 684 (Rocky Ford Rd.); then west on Rocky Ford Rd. to Route 691 (Thaxton Mill Rd.); then northwest on Thaxton Mill Rd to Goose Creek; then west and north along Goose Creek to Route 619 (Foster Rd.); then north on Foster Rd. to Route 690 (Nester Rd.); then north on Nester Rd. to US 460, the point of beginning.

(4) Bedford Welcome Center:

Beginning at a point on the Town boundary where Route 680 (Patterson Mill Rd.) intersects US 460; then following the Town boundary north and east to Route 43 (Peaks St.); then southeast on Peaks St. to N Bridge St.; then south on N Bridge St. to E Main St.; then east on E Main St. to Link Rd.; then south on Link Rd.; then continuing west and south along the southern boundary of the Town to US 460 at Route 680 (Patterson Mill Rd.), the point of beginning.

Sec. 6-49. District No. 7 precincts.

The boundaries of the precincts in Election District No. 7 shall be as follows:

(1) Goode Rescue Squad Station:

Beginning at a point north of where US 460 (East Lynchburg Salem Tpke.) crosses Big Otter River; then north along Big Otter River, crossing US 221 (Forest Rd.) and continuing along Big Otter River to Route 644 (Lankford Mill Rd./Old Cifax Rd.); then continuing east on Lankford Mill Rd./Old Cifax Rd. to Elk Creek; then following south and east along Elk Creek, crossing US 221 (Forest Rd.); then continuing south, east, and west along Elk Creek to US 460 and Big Otter River, the point of beginning.

(2) Liberty High School:

Beginning at a point on US 460 (East Lynchburg Salem Tpke.) where the eastern side of the Town boundary intersects with US 460; then following the Town Boundary north and west along the northern boundary of the town to Route 43 (Peaks Rd.); then north on Peaks Rd. to the Big Otter River; then east following along the Big Otter River to Route 644 (Lankford Mill Rd.); the northeast on Lankford Mill Rd. to Oslin Creek and North Otter Creek; then south on North Otter Creek to Big Otter River; then south on Big Otter River to US 460; then west on US 460 to Little Otter River to Poorhouse Creek; then west on Poorhouse Creek to the old abandoned landfill road; then west on this road to Route 714 (Falling Creek Rd.); then north on Falling Creek Rd. to Town boundary; then east and north along the southern boundary of the Town to US 460, the point of beginning.

(3) Thaxton Baptist Church:

Beginning at a point on the Town boundary where Route 680 (Patterson Mill Rd.) intersects US 460 and continuing west on US 460 to Route 689 (Irving Rd.); then north and east on Irving Rd. to Route 717 (Murray Hollow Rd.); then north on Murray Hollow Rd. to Route 692 (Cool Springs Rd.); then north on Cool Springs Rd. to an unimproved road; then following the unimproved road north to Peaks Shadow Rd.; the north on Peaks Shadow Rd. and crossing Route 680 (Murrels Gap Rd.); then continuing northerly to the summit of Campbell's Mountain and along the crest of McFalls Mountain to a point north of the Royal Ambassador Camp Lake and south of the Blue Ridge Parkway on the Bedford County and Botetourt County boundary; then east along the Bedford-Botetourt County boundary to Route 43 (Peaks Rd.); then southeast along Peaks Rd. to the Town boundary; then following the northern edge of the town boundary west and south to US 460, the point of beginning.

(4) Bedford Central Library:

Beginning at a point on Route 43 (Peaks Rd.) where it intersects the Town boundary; then east and south along the Town boundary to Link Rd; then north along Link Rd. to E Main St.; then west on E Main Street to N Bridge St.; then north on N Bridge St. to Route 43 (Peaks Rd.); then northwest on Peaks Rd. to the Town boundary, the point of beginning.

(5) Mountain View Church:

Beginning at the intersection of Route 663 (Perrowville Road) and Route 221 (Forest Road); then west on Forest Road to Elk Creek; then north along Elk Creek to Route 643 (Coffee Road); then east on Coffee Road to Perrowville Road; then south on Perrowville Road to the intersection of Route 221 (Forest Road), the point of beginning.

(Ord. No. O062722-06, 06-27-2022; O021323-06, 02-13-2023)

DIVISION 3. SATELLITE ABSENTEE VOTING

Sec. 6-50. Generally.

- (a) The voter satellite office to be used in Bedford County for absentee voting in person for the March 5, 2024, Presidential Primary Election shall be the Falling Creek Center Chapel, located at 1257 County Farm Road, Bedford, Virginia. The voter satellite office to be used in Bedford County for absentee voting in person for the June 18, 2024, Primary Election and for the November 5, 2024, General Election shall be the Bedford County Gym, located at 1059 Turning Point Road, Bedford, Virginia 24523. Such locations shall be deemed the equivalent of the Office of the General Registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706 of the Code of Virginia.

(Ord. No. O081020-03, 08-10-2020; O032221-03, 03-22-2021; O022822-02, 02-28-2022; O021323-07, 02-13-2023; O021323-07rev, 04-24-2023; O012224-04, 01-22-2024)

(State Law Reference Section 24.2-701.2)

Chapter 7 ENVIRONMENTAL

ARTICLE I. EROSION AND SEDIMENT CONTROL

Sec. 7-1. Title, purpose and authority.

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

(Ord. No. 0060914-06, 6-9-2014)

State law reference(s)—Code of Virginia, § 62.1-44.15:51.

Sec. 7-2. Definitions.

For the purpose of this article, the following words and terms shall have the meanings ascribed to them in this section:

Administrator: The representative of the board of supervisors (the permit issuing authority) who has been appointed to serve as the agent of the board of supervisors in administering this chapter.

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner/person responsible for the carrying out the plan that specifies conservation measures which must be implemented in the construction of a single-family residence; the county, in lieu of a formal site plan, may execute this contract.

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.

Certified inspector: 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 (1) year after enrollment.

Certified plan reviewer: 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 (1) year after enrollment; or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor or professional soil scientist pursuant to Code of Virginia, article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1.

Certified program administrator: 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 (1) year after enrollment.

Clearing: Any activity that removes the vegetation or groundcover, including, but not limited to, the root mat or topsoil.

Common plan of development or sale: A contiguous area where separate and district construction activities may be taking place at different times on different schedules.

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 groups of units of land. It shall include appropriate maps, appropriate soil and water inventories, 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. The plan shall be signed and sealed by a professional engineer, land surveyor, architect or certified landscape architect, except for single-family dwellings.

Conservation standards or standards: The criteria, guidelines, techniques and methods for the control of erosion and sediment deposition as set forth in the Virginia Erosion and Sediment Control Handbook.

County: The County of Bedford, Virginia.

Department: The Department of Environmental Quality.

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 residential, business, commercial, civic or industrial purpose, or for the purpose of marketing all or a portion of the tract.

Director: The Director of the Virginia Department of Environmental Quality.

Disturbed area: Any area subject to a land-disturbing activity including any area within a public utility easement.

Erosion and sediment control 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 ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

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 ten thousand (10,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave actions or other shoreline processes.

Excavating: Any digging, scooping, or any other method of moving or removing earth material.

Filling: Any depositing or stockpiling of earth material.

Flooding: A volume of water that is too great to be confined within the banks or walls of the stream, waterbody or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

Grading: Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity: Any land change which may result in soil erosion from water or wind and the movement of sediment into waters or onto lands, including but not limited to, clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

- (1) Such minor activities 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 existing hard-surface road, street or sidewalk, provided such land-disturbing activity is confined to the area of the road, street, or sidewalk which is hard-surfaced.

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- (4) Septic tank line or drainage fields, unless included in an overall plan for a 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 feed lot 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 Code of Virginia, ch. 11 (§ 10.1-1100 et seq.) is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163B.
 - (8) Repair or rebuilding of the tracks, right-of-way, bridges, communicating facilities and other related structures and facilities of a railroad company.
 - (9) 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 provisions of the Dam Safety Act, Code of Virginia, article 2 (§ 10.1-604 et seq.) of chapter 6 of title 10.1, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
 - (10) Disturbed land areas of less than ten thousand (10,000) square feet in size, unless otherwise included elsewhere in this chapter. The ten thousand (10,000) square foot minimum exemption shall not apply to any person who diverts or disturbs the channel of a stream or where there is probability of sediment being deposited into state waters or upon adjoining property owners. Such activity shall fall within the bounds of this chapter and all chapters and sections shall apply and a land-disturbing permit shall be required.
 - (11) Installation of fence and signposts or telephone and electric poles and other kinds of posts and poles.
 - (12) Emergency work to protect life, limb and 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 immediately in accordance with the requirements of the plan-approving authority.

Land-disturbing permit: A permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof, on all lands, privately owned or otherwise, except those specifically excluded by this chapter.

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, town or other political subdivision of this state, any interstate body or any other legal entity.

Plan approving authority: The board, the program authority, or a department of the program authority, responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of land and for approving plans. The natural resources administrator or his/her designee is the plan approving authority for Bedford County.

Program authority: A district, county, city or town that has adopted a soil erosion and sediment control program which has been approved by the board. Bedford County is the program authority.

State waters: All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

Transporting: Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sediment deposition will result from the area over which such transporting occurs.

Virginia Stormwater Management Program or VSMP: Means a program approved by the board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the Act and associated regulations, and evaluation consistent with the requirements of the Stormwater Maintenance Act and associated regulations.

(Ord. No. O060914-06, 6-9-2014)

Sec. 7-3. Local erosion and sediment control program.

There is hereby established a local erosion and sediment control program consisting of this chapter and the Virginia Erosion and Sediment Control Handbook, as amended from time to time. The Virginia Erosion and Sediment Control Regulations, as amended from time to time, are adopted and incorporated as a part of the county program. All construction practices and requirements shall comply with the specifications of the current edition of the Virginia Erosion and Sediment Control Handbook.

(Ord. No. O060914-06, 6-9-2014)

Sec. 7-4. Plan submission, approval requirements and permit issuance.

- (a) Except as provided in Code of Virginia, § 62.1-44.15:56 for state agency and federal entity land-disturbing activities, no person shall engage in any land-disturbing activity until he has submitted to the Virginia Erosion and Sediment Control Plan Authority (VESCP authority) an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. Upon the development of an online reporting system by the department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the department for review and approval rather than to each jurisdiction concerned. The department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures.
 - (1) 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 permit issuing authority, however the permit-issuing authority reserves the right to require an erosion and sediment control plan and a land-disturbing permit for a single-family residence considering such factors as the square footage of disturbed area involved, topography, proximity to water sources or occurrence of violation.

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- (2) Additionally, any residential land-disturbing activity involving more than ten thousand (10,000) square feet of disturbed area and/or within two hundred (200) linear feet of any state water shall require an erosion and sediment control plan.
- (b) 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. However, any person contracted to perform land-disturbing work as provided in Code of Virginia, § 62.1-44.15:52, is equally responsible for the approval of an erosion and sediment control plan and issuance of a land-disturbing permit prior to commencement of land-disturbing activity.
- (c) No land-disturbing, building or other permit shall be issued by the county for any work which involves land-disturbing activities for which a permit is required unless the applicant submits with his application an erosion and sediment control plan for approval by the administrator, and certifies by signature upon that application that the plan will be followed.
- (d) Applications for a land-disturbing permit to do work in Bedford County, whether residential or commercial, shall adhere to the respective checklist as provided by the Bedford County Department of Natural Resources. If the items contained within the specific checklist are not included in the submittal for application of the land-disturbing permit, a review of the erosion and sediment control plan shall not occur until which time the owner or applicant provides all pertinent information for site development.
- (e) Upon receipt of a plan submitted under this chapter, together with the required fees, the administrator shall act on such plan within sixty (60) days, by either approving the plan in writing or by disapproving the plan in writing, giving specific reasons for disapproval. The administrator shall approve the plan if the plan meets the conservation standards of the county's erosion and sediment control program 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 comply with all provisions of this chapter. In addition, as a prerequisite to land disturbance, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by Code of Virginia, § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity.

If best management practices (BMP's) are a part of the approved plan, a stormwater facility maintenance agreement shall be required outlining in writing the person or party responsible for long-term maintenance on these BMP's. The agreement must be completed, signed, notarized and recorded prior to issuance of the land-disturbing permit.

- (f) If a plan is determined to be inadequate, the administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate such requirements to the party responsible for plan design.
- (g) A plan approved under this chapter may be changed by the administrator in the following cases:
- (1) Where inspection reveals the inadequacy of the plan to accomplish the objectives of the plan; or
 - (2) When it is found that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.
- (h) In order to prevent further erosion and to protect adjoining land or water resources, the administrator may identify land as an erosion impact area and require an approved plan, regardless of size, type or location of the land disturbance.
- (i) Any person who conducts land-disturbing activities on property having frontage along state waters must, as a requirement of his land-disturbing permit, install and maintain riprap or other specific shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from deposition of sediment resulting

from erosion of the shoreline. Riprap protection shall be installed according to section 3-19 of the Virginia Erosion and Sediment Control Handbook. Alternate natural methods of shoreline protection are encouraged and may be used, subject to approval of the plan approving authority and other governing organizations.

- (j) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies or railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. If said utilities undertake any land-disturbing activities and have not filed an annual plan to the board, they shall be subject to all requirements and specifications within this chapter. If said utilities have filed an annual plan with the board and are proposing activities included in paragraphs (1) and (2) of this subsection, they shall be considered exempt from the provisions of this chapter.
 - (1) Construction, installation and maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.
 - (3) Projects not included in paragraphs (1) and (2) of this subsection shall comply with the requirements of the county erosion and sediment control program.
- (k) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, § 62.1-44.15:56.
- (l) All projects in Bedford County that will disturb one (1) acre or more or are part of a common plan of development or sale are subject to the Department of Environmental Quality (DEQ), Virginia Stormwater Management Program (VSMP) permit. Common plans of development or sale are defined as plats that were approved and recorded on and after 1 July 2014 per DEQ.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-5. Requirement of a project surety.

- (a) Prior to the issuance of any land-disturbing permit, the administrator may require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan as a result of 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 the reasonable cost of such action exceed the amount of the security held.
- (b) The bond requirement may be waived for county-supported agencies, such as the public service authority, school board, nursing home, recreation committee, and fire and rescue units.
- (c) Upon achievement of adequate stabilization of the land-disturbing activity, or upon request from the owner, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. All projects approved with means of stormwater conveyance (channels, pipes, etc.) shall have design certification submitted to the plan approving authority prior to release of any surety providing reasonable assurance that all stormwater measures have been constructed as designed, are well stabilized and appear to be in proper working order.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-6. Fees.

The fee for a single-family dwelling land-disturbing permit shall be fifty dollars (\$50.00) per acre or fraction thereof, of the disturbed area, with a minimum fee of fifty dollars (\$50.00). The fee for a land-disturbing permit for all other development shall be one hundred fifty dollars (\$150.00) per acre, or fraction thereof, of the disturbed area, with a minimum fee of one hundred fifty dollars (\$150.00). The disturbed area of a residential subdivision shall be calculated to include all the land within the public utility easement.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-7. Standards to be used in preparation and consideration.

- (a) The current issue of the Virginia Erosion and Sediment Control Handbook shall be used in preparing the plan required by this article. The administrator, in considering the adequacy of such plan, shall be guided by the guidelines and standards set out in such handbook.
- (b) Plan submission checklists, as set forth in subsection 7-4(d) of this article, shall be used in erosion and sediment control plan submission. Both residential and commercial checklists, as amended from time to time, are available at the Bedford County Department of Natural Resources.
- (c) All work and installation of materials shall be in accordance with the Virginia Erosion and Sediment Control Handbook, manufacturer's specifications, and/or approved and inspected by the plan approving authority of Bedford County.
- (d) Alternative shoreline stabilization shall be allowed upon submittal and approval by the administrator and other governing organizations.
- (e) If the project disturbs an acre or more or is in a common plan of development or sale (platted on 1 July 2004 or later), a Virginia Stormwater Management Program (VSMP) permit will be required. If a VSMP permit is not required, stormwater management will be addressed by Minimum Standard 19 found in 9VAC25-840-40: "Minimum Standards".
- (f) Design flow summary tables are required with a commercial erosion and sediment control plan. Design flow summary information can be obtained through the Bedford County Department of Natural Resources.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-8. Inspection of land-disturbing activities: correction of defects.

- (a) Periodic inspections of land-disturbing activities (those with a land-disturbing permit as well as those under an agreement in lieu of a plan) shall be provided by certified personnel from one (1) of the following sources or a combination thereof:
 - (1) Bedford County Department of Natural Resources personnel;
 - (2) Bedford County Department of Building Inspections personnel; or
 - (3) Other qualified Bedford County Code Enforcement personnel.

Enforcement shall be the responsibility of the administrator; the administrator 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 the movement of sediment. At which time the owner, permittee or person responsible for carrying out the plan makes application for the land-disturbing permit, they are hereby notified that inspections shall take place

upon the property covered under the plan at any reasonable time and by the personnel listed in subsection (a) above, pursuant to 4VAC50-30-60(b) of the regulations.

- (b) If the administrator or his or her designee determines that there is a failure to comply with the plan and/or the erosion and sediment control regulations, a notice of violation shall be communicated to the permittee or person responsible for carrying out the plan by telephone, mail or by delivery 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 time specified, a notice to comply shall be issued and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article. A notice to comply shall specify all corrective action and provide a timeframe for completion.
- (c) Projects that are under an agreement in lieu of a plan shall have the same notice of a violation as set forth in subsection (b) above, listing the timeframe for completion of corrective action. If the following inspection reveals that all corrective action has not been completed in the time allowed, a stop work order shall be posted and the owner shall be required to obtain a land-disturbing permit and correct all violations prior to commencement of any construction activities on the project site.
- (d) If land-disturbing activities have commenced without an approved plan, the administrator shall require that all construction activities be stopped until an erosion and sediment control plan is submitted, erosion and sediment control measures are installed and all required permits are obtained.
- (e) 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, a stop work order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection (b) above. The order shall be posted on-site and shall remain in effect for seven (7) days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Bedford County. The owner may appeal the issuance of a stop work order to the Circuit Court of Bedford County. Any person violating or failing, neglecting or refusing to obey an order issued by the natural resources administrator or his designee may be compelled in a proceeding instituted in the Bedford County Circuit Court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action and obtaining an approved plan and all required permits, the order shall immediately be lifted. Nothing in this section shall prevent the administrator or his designee from taking any other action specified in section 7-11.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-9. Closure of land-disturbing activities.

- (a) It shall be required that all developments shall have achieved final grade and adequate stabilization of the disturbed areas located within the project prior to issuance of the certificate of zoning compliance (CZC) and certificate of occupancy (CO). If weather or other extenuating circumstance prevents attainment of final grade and/or final stabilization, per section 30-10 of the Bedford County Zoning Ordinance, a temporary CZC shall be granted until which time the owner or person responsible for carrying out the plan can achieve final stabilization.
- (b) Development projects that provide on-site stormwater management facilities (pipes, channels, ditches, basins, etc.) are hereby required to submit, upon completion and stabilization of the project, design certification for all manner of stormwater conveyance. Certification shall be provided by a licensed professional engineer and shall include language and/or as-built drawings as to the conformance of said structures to the plan, their stabilization and working order.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-10. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The county board of supervisors hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-11. Violations of penalty, injunctive relief, civil relief.

- (a) A violation of any provision of this article shall be deemed a class 1 misdemeanor.
- (b) Civil penalties:
 - (1) Failure to comply with any of the nineteen (19) minimum standards as set forth in the Commonwealth of Virginia Erosion and Sediment Control Regulations shall result in a one hundred dollar (\$100.00) per violation per day penalty;
 - (2) Commencement of a land-disturbing activity without an approved land-disturbing permit as provided in section 7-2 shall result in a one thousand dollar (\$1,000.00) per violation per day penalty;
 - (3) Failure to obey a stop work order shall result in a one thousand dollar (\$1,000.00) per violation per day penalty; and
 - (4) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violation(s) arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment 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.
- (c) The county attorney shall, upon request of the county, take legal action to enforce the provisions of this article.
- (d) Individuals who hold a responsible land disturber certification as issued by the Virginia Department of Environmental Quality (DEQ) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DEQ for revocation of their certification. A responsible land disturber is also accountable for any and all sanctions included in this article and is subject to the same penalties as the owner of a property.
- (e) The county or board may apply to the Circuit Court of Bedford County for injunctive relief to enjoin a violation or a threatened violation of the article, without the necessity of showing that there does not exist an adequate remedy at law.
- (f) In addition to any criminal or civil penalties provided, any person who violates any provision of this article may be liable to the county in a civil action for damages.
- (g) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. The county may bring a civil action for such violation or failure. Any civil penalties assessed by

the court shall be paid into the Treasury of Bedford County, except that where the violator is the county or its agent, the court shall direct the penalty to be paid to the state treasury.

- (h) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the administrator, or any condition of a permit or any provision of this article, the county may provide, in an order issued by the administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in subsection (b) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsections (b) or (f).
- (i) Except when land-disturbance requiring a permit has begun without a permit, or when, in the opinion of the administrator, conditions pose an imminent danger to life, limb, property or to the waters of the commonwealth, this article shall be enforced in the following steps:
 - (1) Verbal or written notice of violation shall be issued listing the violations noted during inspection and the required corrective action.
 - (2) A notice to comply shall be issued when the following inspection reveals that the violations cited in the notice of violation have not been corrected. A notice to comply shall be issued either upon delivery in person or via certified mail, return receipt requested. Notice will allow five (5) days after receipt for implementation of the corrective actions.
 - (3) A stop work order shall be posted on the project site, requiring that all construction work on the site be stopped until the corrective measures noted in the notice to comply are implemented. The owner and/or person responsible for carrying out the plan, if not on-site at time of posting, will be notified by telephone of the order. As of this posting, all zoning and building permits will be temporarily suspended and no inspections will be provided for the project. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. Upon the completion of the corrective actions, and issuance of a land-disturbing permit if so required, the stop work order is rescinded and zoning and building permits reinstated.
 - (4) Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of the necessary corrective actions. The timeframe for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
- (j) Compliance with the provisions of this article 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.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-12. Appeals.

- (a) Final decisions of the administrator under this article shall be subject to review by the board, provided an appeal is filed within thirty (30) days from the date of any written decision by the administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.
- (b) Final decisions of the county under this article shall be subject to review by the Circuit Court of Bedford County, provided that an appeal is filed within thirty (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.
- (c) Final decisions of the board either upon its own action or upon the review of the action of the administrator shall be subject to judicial review in accordance with the provisions of the Administrative Process Act.

(Ord. No. 0060914-06, 6-9-2014)

Secs. 7-13—7-25. Reserved.

ARTICLE II. STORMWATER MANAGEMENT

Sec. 7-26. Purpose and authority.

- (a) The purpose of this article is to ensure the general health, safety, and welfare of the citizens of Bedford County and the Town of Bedford and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land-disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- (b) This article is adopted pursuant to Code of Virginia, § 62.1-44.15:27 et seq.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-27. Definitions.

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this article have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"Administrative Guidance Manual" means the documentation of policies and procedures for documentation and calculations verifying compliance with the water quality and quantity requirements, review and approval of stormwater pollution prevention plans and stormwater management plans, site inspections, obtaining and releasing bonds, reporting and recordkeeping, and compliance strategies for reviews, enforcement, and long-term maintenance and inspection programs.

"Administrator" means the Virginia Stormwater Management Program (VSMP) authority including the county administrator, or designee, for administering the VSMP on behalf of the locality.

"Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

"Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this article.

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. For the purpose of this article, the term shall not include individual lots within existing residential, commercial or industrial site plans and subdivision plans that were platted prior to July 1, 2004, and which are considered separate land-disturbing activities.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"Clean Water Act" or *"CWA"* means the Federal Clean Water Act (33 U.S.C § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Department" means the department of environmental quality.

"Development" means land disturbance and the resulting land form associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"General permit" means the state permit titled "General Permit for Discharges of Stormwater from Construction Activities" found in Part XIV (9VAC25-880-1 et seq.) of the regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or *"land-disturbing activity"* means a manmade change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in subsection 7-28(c) of this article.

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Locality" means Bedford County, Virginia.

"Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Operator" means the owner or operator of any facility or activity subject to regulation under this article.

"Permit" or *"VSMP authority permit"* means an approval to conduct a land-disturbing activity issued by the administrator for the initiation of a land-disturbing activity, in accordance with this article, and which may only be issued after evidence of general permit coverage, if such permit is required, has been provided by the department.

"Permittee" means the person to whom the VSMP authority permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low-water in tidal Virginia shall not be considered part of a site.

"State" means the Commonwealth of Virginia.

"State board" means the Virginia State Water Control Board.

"State permit" means an approval to conduct a land-disturbing activity issued by the state board in the form of a state stormwater individual permit or coverage issued under a state general permit, if such permit is required,

or an approval issued by the state board for stormwater discharges from an MS4. Under these state permits, the commonwealth imposes and enforces requirements pursuant to the Federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the regulations.

"State Water Control Law" means chapter 3.1 (§ 62.1-44.2 et seq.) of title 62.1 of the Code of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the commonwealth or within its jurisdiction, including wetlands.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one (1) or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document(s) containing material describing methods for complying with the requirements of section 7-31 of this article.

"Stormwater pollution prevention plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this article. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means any change or rearrangement in the boundaries of division lines of any lot, parcel, piece, or tract of land, or the division of such lot, parcel, piece, or tract of land into two (2) or more parts, pieces, tracts of land or lots as defined in article I of the Bedford County Subdivision Ordinance.

"Total maximum daily load" or "TMDL" means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Act" or "Act" means article 2.3 (§ 62.1-44.15:24 et seq.) of chapter 3.1 of title 62.1 of the Code of Virginia, as amended.

"Virginia Stormwater Management Program" or "VSMP" means the program established by the county to manage the quality and quantity of runoff resulting from land-disturbing activities in accordance with state law, and which has been approved by the state board.

"Virginia Stormwater Management Program Authority" or "VSMP authority" means Bedford County.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-28. Stormwater permit requirement; exemptions.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, is submitted to the administrator in accordance with the provisions of this article.
- (b) The construction of a single-family detached residential structure, with or outside of a common plan of development or sale, equal to or less than five (5) acres, may be eligible for an agreement in-lieu-of a stormwater management plan. This agreement shall not require a registration statement or the department's portion of the state permit fee for coverage under the general permit for discharges of stormwater from

construction activities. Even though a registration statement is not required for such a structure, the project must adhere to the requirements of the general permit.

- (c) Notwithstanding any other provisions of this article, the following activities are exempt, unless otherwise required by federal law:
- (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Code of Virginia, tit. 45.1;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the state board in regulations, 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 chapter 11 (§ 10.1-1100 et seq.) of title 10.1 of the Code of Virginia, or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of article 9 of chapter 11 of title 10.1 of the Code of Virginia;
 - (3) Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
 - (4) Land-disturbing activities that disturb less than one (1) acre of land area except for activities that are part of a larger common plan of development or sale that is one (1) acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
 - (5) Discharges to a sanitary sewer;
 - (6) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and re-establishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
 - (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven (7) days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A of § 62.1-44.15:34C is required within thirty (30) days of commencing the land-disturbing activity.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-29. Stormwater management program established; submission and approval of plans; prohibitions.

- (a) Pursuant to Code of Virginia, § 62.1-44.15:27, Bedford County hereby establishes a Virginia Stormwater Management Program for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMPs promulgated by the state board for the purposes set out in section 7-26 of this article. The Bedford County Board of Supervisors hereby designates the county administrator, or designee, as the administrator of the Virginia Stormwater Management Program.

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- (b) No VSMP authority permit shall be issued by the administrator, until the following items have been submitted to and approved by the administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement, if such registration statement is required;
 - (2) An erosion and sediment control plan approved in accordance with the Bedford County Erosion and Sediment Control Ordinance; and
 - (3) A stormwater management plan that meets the requirements of section 7-31 of this article, or an executed agreement in lieu of a stormwater management plan.
 - (c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained, if such permit is required.
 - (d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 7-40, are received, and a reasonable performance bond required pursuant to section 7-41 of this article has been submitted.
 - (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
 - (f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-30. Stormwater pollution prevention plan; contents of plans.

- (a) The stormwater pollution prevention plan (SWPPP) shall include the content specified by Section 9VAC25-870-54, including, but not limited to, an erosion and sediment control plan, stormwater management plan, pollution prevention plan, and additional control measures necessary to address a TMDL, and must also comply with the requirements and general information set forth in Section 9VAC25-880-70 of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (c) The SWPPP must be maintained by the operator at a central location on-site. If an on-site location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-31. Stormwater management plan; contents of plan.

- (a) A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following:
 - (1) A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.

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- (2) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- (b) The stormwater management plan shall include the following information and as required by the VSMP permit regulations (9VAC25-870-55) and the Administrative Guidance Manual:
- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
 - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - (3) A narrative that includes a description of current site conditions and final site conditions;
 - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete and a note that states the stormwater management meets the requirements set forth in the VSMP permit regulations (9VAC25-870-55) and the Administrative Guidance Manual;
 - (5) Information on the proposed stormwater management facilities, including:
 - a. The type of facilities;
 - b. Location, including geographic coordinates;
 - c. Acres treated; and
 - d. The surface waters or karst features, if present, into which the facility will discharge.
 - (6) Hydrologic and hydraulic computations, including runoff characteristics;
 - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of section 7-34 of this article and the Administrative Guidance Manual.
 - (8) A map or maps of the site that depicts the topography of the site and includes:
 - a. Contributing drainage areas;
 - b. Existing streams, ponds, culverts, ditches, wetlands, other waterbodies and floodplains;
 - c. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - d. Current land use including existing structures, roads, and locations of known utilities and easements;
 - e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - f. The limits of clearing and grading, and the proposed drainage patterns on the site;
 - g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to, planned locations of utilities, roads and easements.
- (c) If an operator intends to meet the water quality and/or quantity requirements set forth in section 7-34 of this article through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions

prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by Code of Virginia, § 62.1-44.15:35.

- (d) Elements of the stormwater management plans that include activities regulated under chapter 4 (§ 54.1-400 et seq.) of title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional engineer, architect, surveyor, or landscape architect registered in the Commonwealth of Virginia pursuant to article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia.
- (e) A construction record drawing for permanent stormwater management facilities shall be submitted to the administrator. The construction record drawing shall be appropriately sealed and signed by a professional engineer, architect, landscape architect, or land surveyor registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. If there is an executed agreement in lieu of a stormwater management plan, a construction record drawing is required; however, the drawing may not be required to be appropriately sealed and signed by a professional engineer, architect, landscape architect, or land surveyor registered in the Commonwealth of Virginia.
- (f) Approved stormwater management plans for residential, commercial or industrial subdivisions which govern the development of the individual parcels within that plan will do so throughout the development life even if the ownership changes.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-32. Pollution prevention plan; contents of plan.

A pollution prevention plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained as required by 9VAC25-870-56.A 1-3, B 1-4, and C.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-33. Review of stormwater management plan.

- (a) The administrator shall review stormwater management plans and shall approve or disapprove as stormwater management plan according to the following:
 - (1) The administrator shall determine the completeness of a plan in accordance with section 7-32 of this article, and shall notify the applicant, in writing, of such determination, within fifteen (15) calendar days of receipt. If the plan is deemed to be incomplete, the above-written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The administrator shall have an additional forty-five (45) calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subsection 7-33(a)(1), then plan shall be deemed complete and the administrator shall have sixty (60) calendar days from the date of submission to review the plan.
 - (3) For plans not approved by the administrator, all comments shall be addressed by the applicant within one hundred eighty (180) calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee.
 - (4) The administrator shall review any plan that has been previously disapproved, within forty-five (45) calendar days of the date of resubmission.

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- (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the applicant. If the plan is not approved, the reasons for not approving the plan shall be provided in writing to the applicant. Approval or denial shall be based on the plan's compliance with the requirements of this article and the Administrative Guidance Manual.
 - (6) If a plan meeting all requirements of this article is submitted and no action is taken within the time provided above in subsection (a)(2) for review, the plan shall be deemed approved.
- (b) Approved stormwater plans may be modified as follows:
- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have sixty (60) calendar days to respond in writing either approving or disapproving such request.
 - (2) The administrator may require that an approved stormwater management plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.
- (c) The administrator shall require the submission of a construction record drawing for permanent stormwater management facilities.
- (Ord. No. 0060914-06, 6-9-2014)

Sec. 7-34. Technical criteria for regulated land-disturbing activities.

- (a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the locality hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the regulations, as amended, expressly to include 9VAC25-870-30 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [off-site compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in subsection 7-34(b) the technical criteria for regulated land-disturbing activities set forth in Part II C of the regulations, as amended, 9VAC25-870-93 through 99 shall apply.
- (b) Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP regulations provided:
 - (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto: (i) was approved by the locality prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-870-10; (iii) will comply with the Part II C technical criteria of the VSMP regulations; and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (c) Locality, state and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of the VSMP regulations provided:

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- (1) There has been an obligation of locality, state or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (d) Land-disturbing activities grandfathered under subsections (a) and (b) of this section shall remain subject to the Part II C technical criteria of the VSMP regulations for one (1) additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the state board.
- (e) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C.
- (f) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.
- (g) The administrator may grant exceptions to the technical requirements of Part II B or Part II C of the regulations, provided that: (i) the exception is the minimum necessary to afford relief; (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the regulations, and this article are preserved; (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances; and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this article.
- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the administrator, nor shall the administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse website, or any other control measure duly approved by the director.
 - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-35. Long-term maintenance of permanent stormwater facilities.

The administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local record prior to general permit termination, if such a permit is required, or earlier as required by the administrator and shall at a minimum:

- (1) Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;
- (2) Be stated to run with the land;
- (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
- (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the administrator; and
- (5) Be enforceable by all appropriate governmental parties.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-36. Monitoring and inspections.

- (a) The administrator shall inspect the land-disturbing activity during construction for:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The administrator has the right, at reasonable times and under reasonable circumstances, to enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. In the event the administrator, or his agent shall be denied access to property, the administrator may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a violation of this article has occurred, request that the magistrate or court grant the administrator an inspection warrant to enable the director of utilities or his agent to enter the property for the purpose of determining whether a violation of this article exists. The administrator shall make a reasonable effort to obtain consent from the owner or occupant of the subject property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for any person to deny the administrator access to any property after the director of utilities or his agent has obtained an inspection warrant from a magistrate or a court of competent jurisdiction for the inspection of such property. Nothing herein shall be construed to authorize the administrator to enter or inspect the interior portions of any dwelling or structure situated on such property unless that inspection be reasonably necessary and directly related to verifying the presence and character of a stormwater control mitigation system or control measure that the owner of the property claims to be installed therein.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to Code of Virginia, § 62.1-44.15:40 the administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this article, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article. Refer to Code of Virginia, § 62.1-44.15:40 regarding protection of specified confidential information.
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this article and the recorded maintenance agreement shall be conducted by the owner and at the owner's cost pursuant to the locality's adopted and state board approved inspection program, and shall occur within the minimum frequencies shown in Table 1-11-1 following approval of the final construction record report for each stormwater facility.

Table 1-11-1

BMP Classification	BMP Type	Minimum Inspection Schedule	Notes
1	Rooftop Disconnection	Every 5 Years	Owner shall inspect and provide documentation as per the requirements found on the Virginia Stormwater BMP Clearinghouse website and the Administrative Guidance Manual for BMPs with classifications 2, 3, and 4. The locality shall inspect all BMPs every 5 years.
1	Sheetflow to Vegetated Filter or Conserved Open Space	Every 5 Years	
1	Grass Channel	Every 5 Years	
1	Soil Amendments	Every 5 Years	
2	Permeable Pavement	Annually	
2	Infiltration	Annually	
2	Bioretention	Annually	
2	Dry Swale	Annually	
2	Wet Swale	Annually	
2	Filtering Practice	Annually	
2	Constructed Wetland	Annually	
2	Wet Pond	Annually	
2	Extended Detention	Annually	
3	Vegetated Roof	Twice per year (Spring/Fall)	
3	Rainwater Harvesting	Twice per year (Spring/Fall)	
4	Manufactured/Other BMP	Yearly or per manufacturer recommendations, whichever is more frequent.	Owner shall inspect and provide documentation according to manufacturer's guidelines and the Administrative Guidance Manual.

- (f) The owner shall furnish to the administrator an inspection report for BMPs within classifications 2, 3, and 4 as provided in Table 1-11-1 prepared by a qualified inspector within the timeframe listed in Table 1-11-1. This report shall include, but not be limited to, the items listed in Table 1-11-1, current photographs of the BMP, and a summary of the current BMP condition and any recommendations for improvements, if necessary.

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- (g) Qualified inspection personnel include professional engineer, architect, landscape architect, or land surveyor registered in the Commonwealth of Virginia or project inspector for SWM or combined administrator for SWM who have met the certification requirements of 9VAC25-850-50.
 - (h) Post-construction inspections of stormwater management facilities required by the provisions of this article shall be conducted by the administrator pursuant to the locality's adopted and state board approved inspection program, and shall occur, at a minimum, at least once every five (5) years.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-37. Hearings.

- (a) Any permit applicant or permittee, or person subject to ordinance requirements, aggrieved by any action of the Bedford County Board of Supervisors taken without a formal hearing, or by inaction of the Bedford County Board of Supervisors may demand in writing a formal hearing by the Bedford County Board of Supervisors causing such grievance, provided a petition requesting such hearing is filed with the administrator within thirty (30) days after notice of such action is given by the administrator.
- (b) The hearings held under this section shall be conducted by the Bedford County Board of Supervisors at a regular or special meeting of the Bedford County Board of Supervisors, or by at least one (1) member of Bedford County Board of Supervisors designated by the Bedford County Board of Supervisors to conduct such hearings on behalf of the Bedford County Board of Supervisors at any other time and place authorized by the Bedford County Board of Supervisors.
- (c) A record of the proceedings of such hearings shall be taken and filed with the Bedford County Board of Supervisors. Depositions may be taken and read as inactions at law.
- (d) The Bedford County Board of Supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Bedford County Board of Supervisors, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-38. Appeals.

Appeals to decisions made by the Bedford County Board of Supervisors are subject to judicial review by the Bedford County Circuit Court, provided an appeal is filed within thirty (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.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-39. Enforcement.

- (a) If the administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be

served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

- (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection 7-39(b) or the permit may be revoked by the administrator.
- (2) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with Administrative Guidance Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with subsection 7-39(c).

- (b) In addition to any other remedy provided by this article, if the administrator or his designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Administrative Guidance Manual.
- (c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the administrator may be compelled in a proceeding instituted in by the circuit court of the locality by the locality too be same and to comply there with by injunction, mandamus or other appropriate remedy.
- (d) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the administrator, shall be subject to a civil penalty not to exceed thirty-two thousand five hundred dollars (\$32,500.00) for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
 - (1) Violations for which a penalty may be imposed under this section shall include, but not be limited to the following:
 - a. No state permit registration;
 - b. No SWPPP;
 - c. Incomplete SWPPP;
 - d. SWPPP not available for review;
 - e. No approved erosion and sediment control plan;
 - f. Failure to install stormwater BMPs or erosion and sediment controls;

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- g. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - h. Operational deficiencies;
 - i. Failure to conduct required inspections;
 - j. Incomplete, improper, or missed inspections; and
 - k. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
- (3) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - (4) In imposing a civil penalty pursuant to this section, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - (5) Any civil penalties assessed by a court as a result of a summons issued by the locality shall be paid into the Treasury of Bedford County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (e) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months or a fine of not less than two thousand five hundred dollars (\$2,500.00), nor more than thirty-two thousand five hundred dollars (\$32,500.00), or both.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-40. Fees.

- (a) Fees for a land-disturbing permit for a detached single-family home construction within or outside of common plan of development or sale with a land-disturbing activity less than five (5) acres shall be imposed in accordance with the VSMP permit regulations 9VAC25-870-820 and the Administrative Guidance Manual, less the department portion of the total fee. Half of the fees must be paid by the applicant at the initial plan submittal, and the remaining half shall be paid prior to permit issuance.
- (b) Except as set forth in subsection (a) above, fees to cover costs associated with implementation of a VSMP related to land-disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the VSMP permit regulations 9VAC25-870-820 and the Administrative Guidance Manual. Half of the fees must be paid by the applicant at the initial plan submittal, and the remaining half shall be paid prior to permit issuance.
- (c) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the VSMP permit regulations 9VAC25-870-825 and the Administrative Guidance Manual and shall be paid directly to the administrator.

If the general permit modifications result in changes to stormwater management plans that require additional review by Bedford County, such reviews shall be subject to the fees set out in the VSMP permit regulations 9VAC25-870-825 and the Administrative Guidance Manual. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in the VSMP permit regulations 9VAC25-870-820 and the Administrative Guidance Manual. These fees shall be paid directly to the administrator.

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- (d) The annual permit maintenance shall be imposed in accordance with the VSMP permit regulations 9VAC25-870-830 and the Administrative Guidance Manual, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated.

General permit coverage maintenance fees shall be paid annually to Bedford County, by the anniversary date of general permit coverage. No permit will be re-issued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

- (e) The fees set forth in subsections (a) through (d) above, shall apply to:
- (1) All persons seeking coverage under the general permit, if such permit is required.
 - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 - (3) Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities.
 - (4) Permit and permit coverage maintenance fees outlined under subsection (c) of this section may apply to each general permit holder.
- (f) No general permit application fees will be assessed against the following:
- (1) Permittees who request minor modifications to general permits as defined in section 7-27 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.
 - (2) Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.
- (g) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the under payment rate set forth in Code of Virginia, § 58.1-15 and is calculated on a monthly basis at the applicable periodic rate. A ten (10) percent late payment fee shall be charged to any delinquent (over ninety (90) days past due) account. Bedford County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

(Ord. No. 0060914-06, 6-9-2014)

Sec. 7-41. Performance bond.

Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the county attorney and administrator, or designee, to ensure that measures could be taken by Bedford County at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land-disturbing activity. If Bedford County takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within sixty (60) days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of creditor other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(Ord. No. 0060914-06, 6-9-2014) Secs. 7-42—7-65. Reserved.

Chapter 8 FIRE PREVENTION AND PROTECTION

ARTICLE I. DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES— ESTABLISHMENT AND ADMINISTRATION

Sec. 8-1. Establishment of department.

The county department of fire and rescue services ("the department") is hereby established. The department shall provide all fire and emergency medical services and services related to civilian protection and evacuation in disasters and emergencies. The department shall also be responsible for administration of local, state and federal emergency response, assistance and recovery programs within the county.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-2. Composition of department.

The department shall be composed of the officials and staff of the department, and the following volunteer fire companies and volunteer rescue squads, which are an integral part of the official safety program of the county.

The following emergency units are hereby designated as integral parts of the county's official safety program:

<u>Fire</u>	<u>Rescue</u>
• Bedford Volunteer Fire Co., Inc	• Big Island Emergency Crew, Inc.
• Big Island Volunteer Fire Co., Inc.	• Boonsboro Rescue Co., Inc.
• Boonsboro Volunteer Fire	• Campbell County Rescue Squad
• Forest Volunteer Fire Co., Inc	• Chamblissburg First Aid and Rescue Crew, Inc.
• Hardy Volunteer Fire Co., Inc.	• Hardy Life Saving & Rescue, Inc.
• Huddleston Volunteer Fire Department, Inc.	• Huddleston Life Saving & First Aid Crew, Inc.
• Moneta Volunteer Fire Department, Inc.	• Moneta Rescue Squad, Inc.
• Montvale Volunteer Fire Company, Inc.	• Montvale Rescue Squad, Inc.
• Saunders Volunteer Fire Co., Inc.	• Stewartville First Aid and Rescue Squad, Inc.
• Smith Mountain Lake Marine Volunteer Fire Department	•
• Shady Grove Fire and Rescue Inc.	•
• Stewartville-Chamblissburg Volunteer Fire Co., Inc.	•

(Ord. No. 00107-05, 1-8-2007; O050422-02, 05-09-2022)

State law reference(s)—Code of Virginia, § 9.1-400—406.

Sec. 8-3. Responsibilities of department.

- (a) The department shall be responsible for regulating and managing the provision of pre-hospital emergency patient care and services and for regulating providers of the nonemergency transportation of patients requiring medical services.
- (b) The department shall be responsible for regulating and managing the provision of fire prevention, protection, investigation and suppression services, for enforcing laws relating to fire prevention, and for provision of services related to hazardous materials and similar hazards which pose a threat to life and property.
- (c) The department shall also be responsible for any additional related services which are necessary for the provision of fire and emergency medical services.
- (d) The department shall be responsible for local disaster mitigation, preparedness, response and recovery. The director of emergency services shall be a member of the board of supervisors.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-4. Chief of fire and rescue services.

- (a) The chief of fire and rescue services shall be appointed by the county administrator, shall be the director of the department, and shall provide general management of the department.
- (b) The chief may delegate any and all operational authority to other officials and staff of the department. References to the chief in this chapter shall include designees.
- (c) The chief shall establish and enforce departmental regulations consistent with this chapter for the administration and operation of the department. Such regulations shall be consistent with this chapter but may establish additional and more stringent requirements applicable to the department. In no event shall any county or departmental regulations or directives be interpreted to waive requirements of federal, state and local laws and regulations, including those related to licensing.
- (d) The chief shall hire, appoint and may terminate officers and staff of the department, including the deputies and assistants. The chief shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including review of criminal and driving records. Deputies and assistants may perform any of the duties of the chief, when authorized by the chief. The chief will ensure that prior to any termination county staff will be accorded all rights endowed by the county's personnel policies and procedures. At the request of individual volunteer agencies, the chief may assist with the termination of members. Prior to any termination, volunteers will be afforded due process, to include a review by a panel consisting of representatives from their volunteer agency.

(Ord. No. 00107-05, 1-8-2007; O121222-05, 12-12-2022)

State law reference(s)—Code of Virginia, Tit. 27, ch. 2, art. 1, § 27-6.1 et seq., Fire/EMS Departments, provisions applicable to counties, cities and towns.

Sec. 8-5. Criminal and driving record checks.

- (a) Review of the criminal records of applicants for employment and volunteer status in the department shall be conducted in the interest of public welfare and safety, and review of such records of incumbents may be

conducted, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or service.

- (b) Review of motor vehicle driving records of incumbents and of applicants for employment or volunteer status may be conducted in accordance with departmental regulations, to determine if the record is compatible with employment or service.

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, Tit. 27, ch. 2, art. I, § 27-6.1 et seq., Fire/EMS Departments, provisions applicable to counties, cities and towns.

Sec. 8-6. Compliance with regulations and policies; penalties.

- (a) Compliance with all regulations and directives of the chief, by the officials, staff, volunteers and entities of the department is a condition of the privilege of providing emergency medical and fire services and of participating in department functions.
- (b) For violation of regulations and policies promulgated by the chief or the medical control board, or for the purpose of protecting the public safety and providing for proper administration of the department and effective provision of services, the chief shall have the authority to remove, suspend, or revoke the privileges of any individual or entity to operate as an EMS or fire service provider or officer in the county.
- (c) The department of fire and rescue will develop and disseminate a standard operating guideline (SOG) clearly defining the procedure for revocation of such privileges.

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, Tit. 27, ch. 2, art. I, § 27-6.1 et seq., Fire/EMS Departments, provisions applicable to counties, cities and towns.

Secs. 8-7—8-15. Reserved.

ARTICLE II. VOLUNTEER SERVICES

Sec. 8-16. Volunteer rescue squads and fire companies.

- (a) The Bedford County Board of Supervisors recognizes the longstanding history and the tremendous value and contribution of volunteer rescue squads and fire companies made in the community. Volunteer rescue squads and fire companies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this chapter and regulations, including those issued by the chief. Formation, naming and dissolution shall be effective only if approved by the board of supervisors. Rescue squads and fire companies may adopt bylaws for affecting their purposes.
- (b) Agencies may, in accordance with their bylaws and compliance with state code, dissolve. However, prior to such dissolution, agencies shall provide no less than a thirty-day notice to the Bedford County Department of Fire and Rescue.

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, § 27.1-8.1; § 32.1-111.14

Sec. 8-17. Participation by certain minors in volunteer fire company activities.

- (a) Subject to any regulations published by the Bedford County Department of Fire and Rescue and pursuant to the authority of Code of Virginia, § 40.1-79.1. The County of Bedford hereby authorizes any person who is sixteen (16) years of age or older, with written parental or guardian approval, to work with or participate in activities of a volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, Level One, fire fighter standards, as administered by the state department of fire programs. Any such fire fighting activity shall comply with regulations of 16 VAC 15-30-190 "Fire fighting".
- (b) Any trainer or instructor of such minor or any member of a paid or volunteer fire company who supervises such minor shall be exempt from the provisions of the Code of Virginia, § 40.1-103, provided the volunteer fire company or the board of supervisors has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.
- (c) If any part of this section is, for any reason, declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-18. Participation by certain minors in volunteer rescue activities.

Subject to any regulations published by the Bedford County Department of Fire and Rescue pursuant to authority in accordance with Code of Virginia, title 12, § 5-31-1200, § 5-31-900:

- (1) EMS personnel serving in a required staffing position on an EMS vehicle shall be at a minimum of eighteen (18) years of age.
- (2) EMS agencies may allow assistants or observers in addition to the required personnel. An assistant or observer must be at a minimum of sixteen (16) years of age.
- (3) An EMS agency may have associated personnel who are less than sixteen (16) years of age. This person is not allowed to participate in any EMS response, or any training program or other activity that may involve exposure to communicable disease, hazardous chemical or other risk of serious injury.

(Ord. No. 00107-05, 1-8-2007)

Secs. 8-19—8-25. Reserved.

ARTICLE III. FIRE PREVENTION REQUIREMENTS

DIVISION 1. OPEN FIRES

Sec. 8-26. Burning of brush, leaves, etc., restricted to certain hours between February 15 and April 30 each year.

- (a) During the period beginning February 15 and ending April 30 of each year, it shall be unlawful, in any portion of the county organized for forest fire control under the direction of the state forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass,

structures or other flammable material capable of spreading fire, located in or within three hundred (300) feet of any woodland, brushland, or field except between the hours of 4:00 p.m. and 12:00 midnight.

- (b) The provisions of this section shall not apply to any fires which may be set on rights-of-way of railroad companies by their duly authorized employees.
- (c) Any person violating any provision of this section shall be guilty of a class 3 misdemeanor. In addition to any penalty imposed for such violation, if a forest fire results from the violation, such person shall be liable to the county for the full amount of all expenses incurred by it in suppressing such fire, such amount to be recoverable by action brought by the board of supervisors on behalf of the county.

(Ord. No. 00107-05, 1-8-2007)

Cross reference(s)—Penalty for class 4 misdemeanor, § 1-10.

State law reference(s)—Code of Virginia, § 10.1-1142

Sec. 8-27. Open fires may be prohibited in all or part of the county.

- (a) Whenever the director of emergency services, after consultation with appropriate agencies, declares that a drought condition exists or that forest lands, brush lands and fields have become so dry or parched or that other conditions exist so as to create an extraordinary fire hazard, the director of emergency services may declare that open burning is prohibited in part or all of the county. Following such a declaration it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition. The declaration of the director of emergency services shall remain effective until he/she declares the condition and the prohibition to have terminated.

When any such declaration is issued, amended or rescinded, the county shall promptly post a copy of the declaration, amendment or rescission at the front door of the circuit courthouse and at each fire station in the area of the county in which the emergency has been declared. In addition, the county shall publish the declaration, amendment or rescission in a newspaper of general circulation.

- (b) Any forest management burns conducted under the supervision of the Virginia Department of Forestry, or approved by the Virginia Department of Forestry shall be exempt from this section.
- (c) Violation of this section shall be a class 1 misdemeanor and punished according to Code of Virginia, § 1-10(a)(1).

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, § 10.1-1142

Secs. 8-28—8-32. Reserved.

DIVISION 2. ADDITIONAL PROHIBITIONS

Sec. 8-33. Sale or discharge of fireworks; general prohibition against sale, possession, use, etc.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode, within the county, any firecracker,

torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.

- (b) The provisions of subsection (a) shall not be applicable to any person, firm or corporation that manufactures, stores, markets and distributes fireworks for the sole purpose of fireworks displays permitted under section 8-12 of statewide code or the laws of another county or state.
- (c) This section shall not apply to the use or sale of sparklers, fountains, Pharaoh's serpents, caps for pistols or pinwheels commonly known as whirligigs or spinning jennies; provided, however, the fireworks listed herein may only be used, ignited or exploded on private property with the consent of the owner of such property.
- (d) This section shall have no application to any officer or member of the armed forces of this state or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials and equipment, otherwise prohibited by this section, when such materials and equipment are used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, tit. 27, ch. 9, Statewide Fire Prevention Code Act, § 27-94 et. seq.

Sec. 8-34. Permit to display.

- (a) Upon the receipt of a written application, a permit may be issued by the county department of fire and rescue for the display of fireworks by fair associations, operators of amusement parks or by any responsible organization or group of individuals, when the use of such fireworks will be under the direct supervision and control of an expert in the use and handling of fireworks.
- (b) It shall be unlawful for any person to violate the terms and conditions of any permit issued under this section.
- (c) The county shall be named as insured in such instances at an amount not less than one million dollars (\$1,000,000.00).

(Ord. No. 00107-05, 1-8-2007)

State law reference(s)—Code of Virginia, tit. 27, ch. 9, Statewide Fire Prevention Code Act, § 27-97.2

Secs. 8-35—8-40. Reserved.

DIVISION 3. HAZARDOUS MATERIALS

Sec. 8-41. Purpose.

The purpose and intent of this article is to prescribe minimum requirements and regulations with regard to the storage, transportation and possession of combustible or inflammable substances in the county in order to safeguard the life, property, and welfare of the citizens of the county.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-42. Definitions.

For the purposes of this article the following definitions shall apply:

Automatic fire suppression system: An engineered system using carbon dioxide (CO₂), foam, wet or dry chemicals, a halogenated extinguishing agent, a clean extinguishing agent, or an automatic sprinkler system to detect automatically and suppress a fire through fixed piping and nozzles.

Bulk plant tank: Any stationery above ground container with a capacity of five thousand (5,000) liquid gallons or more which is used for the purpose of storing inflammable or combustible liquids and which is not supplied with said liquids directly by pipelines or interstate carriers.

Bulk plant tank facility: An owner's holdings in one (1) or more bulk plant tanks and adjacent buildings and structures.

Combustible and inflammable liquids:

- (1) Combustible liquids: Any liquid having a flash point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) shall be known as class II or III liquids. Combustible liquids shall be divided into the following classifications:

Class II: Liquids having a flash point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) and below one hundred forty (140) degrees Fahrenheit (60 degrees centigrade).

Class IIIA: Liquids having flash points at or above one hundred forty (140) degrees Fahrenheit (60 degrees centigrade) and below two hundred (200) degrees Fahrenheit (93.33 degrees centigrade).

Class IIIB: Liquids having flash points at or above two hundred (200) degrees Fahrenheit (93.33 degrees centigrade).

- (2) Inflammable liquids: Any liquid having a flash point below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) and having a vapor pressure not exceeding forty (40) psia (717.08kPa) at one hundred (100) degrees Fahrenheit (37.78 degrees centigrade). Flammable liquids shall be known as class I liquids and be divided into the following classifications:

Class IA: Liquids having flash points below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and having a boiling point below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

Class IB: Liquids having flash points below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and having a boiling point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

Class IC: Liquids having flash points at or below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

Distribution terminal: Any facility which transports, distributes or transfers by way of pipeline at any time in excess of five thousand (5,000) gallons of inflammable or combustible liquids to a tank facility for storage.

High level alarm: A supervised class A device which conforms with the standards of the Underwriters Laboratories, Factory Mutual or any other testing laboratory recognized by the fire official and NFPA-70 and which is capable of either of the following:

- (1) Emitting visible and audible signals indicating high levels of liquid in a tank and capable of being monitored on the property upon which the tank is located and by the carrier making the delivery; or
- (2) Emitting an audible signal and terminating the flow of liquid into the tank when the level of liquid reaches the capacity of the tank.

Loading racks: Either a truck or a rail car loading rack for the purpose of loading or unloading flammable and combustible liquids or hazardous materials.

Operator: One (1) or more persons, jointly or severally, performing their duties at a tank facility or distribution terminal in whom is vested supervisory authority. The term shall include the tank facility and distribution terminal manager, the on-site supervisor or their designees.

Owner: One (1) or more persons, jointly or severally, in whom is vested all or part of the beneficial ownership and a right to present use and enjoyment of the premises. The term shall include a lessee. The term shall also include a mortgagee only when in possession. The term owner shall include the owner's agents, employees and assignees.

Person: An individual, association, firm, partnership, and bodies politic and corporate.

Property: Real and personal property of all types except combustible liquids and inflammable liquids.

Tank: Any stationery above ground container with a capacity of five thousand (5,000) liquid gallons or more which is used for the purpose of storing inflammable or combustible liquids and which is supplied with said liquids directly by pipelines of interstate carriers.

Tank facility: An owner's holdings in one (1) or more tanks and adjacent buildings and structures.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-43. Fire suppression system-loading racks.

(a) *Loading racks:* Where flammable and combustible liquids or hazardous materials are dispensed or unloaded, shall be equipped with an approved automatic fire suppression system.

Motor vehicle service stations as defined in NFPA 30A shall be exempt.

(b) *Area:* The area to be protected shall be based on the total ground area within the curbed area around the loading rack or the entire length of the truck or rail car whichever is greater.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-44. Alarm on tanks.

(a) Each tank shall be equipped with one (1) of the following types of high level alarms:

(1) An alarm of any type defined in subsection (1) of the definition "high level alarm" in section 8-42 and installed to emit two (2) signals. The first signal shall be activated when the amount of inflammable or combustible liquid in the tank reaches a level which is ten (10) minutes prior to reaching the tank's capacity. The second signal shall be activated when the amount of inflammable or combustible liquid in the tank reaches a level which is five (5) minutes prior to reaching the tank's capacity. The level is referred to herein shall be calculated at peak flow of the inflammable or combustible liquid to the tank; or

(2) An alarm of the type defined in subsection (2) of the definition "high level alarm" in section 8-42 and installed to emit an audible signal and terminate the flow of inflammable or combustible liquid into the tank when the level of the liquid reaches the capacity of the tank.

(b) No inflammable or combustible liquid shall be added to any tank by any person unless it is equipped with a high level alarm which has been inspected as required in section 8-44. However, in the event of an inoperative high level alarm, inflammable or combustible liquid may be added to a tank if such addition is manually monitored in accordance with plans approved in advance by the fire official. Inflammable or combustible liquid may be stored in or removed from the tank when the alarm is not in effective operating condition.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-45. Supervision of receipt by tank of inflammable or combustible liquids.

When any combustible or inflammable liquid is added to any tank, the owner of said tank shall be required to have a responsible person physically supervise and monitor said addition at the following intervals:

- (1) One (1) hour immediately prior to the beginning of any addition to said tanks of said liquids and continuing for one-half hour after the beginning of said addition; and
- (2) One (1) hour immediately preceding the anticipated time for completion of said addition of liquids to said tanks, and continuing until completion of said addition.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-46. Supervision of receipt by bulk plant tank of inflammable or combustible liquids.

When any inflammable or combustible liquid is added to any bulk plant tank the owner of said bulk plant tank shall be required to have a responsible person physically supervise and monitor the entire addition of said liquids to the bulk plant tank.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-47. Emergency plans.

Every owner of a facility with one (1) or more tanks; every owner of a facility with one (1) or more bulk plant tanks; and every owner of a distribution terminal shall prepare and maintain an emergency plan which shall include the following:

- (1) Procedures for the immediate notification of the county in the event of:
 - a. The ignition of combustible or inflammable liquids; or
 - b. Conditions indicating the reasonable likelihood of such ignition, including, but not limited to, tank leaks or pipeline leaks; and
 - c. Combustible or inflammable liquid spills in excess of twenty-five (25) gallons;
- (2) On-site emergency response procedures in such event;
- (3) Procedures to accomplish the requirements of this article;
- (4) Such emergency plans shall be submitted to and approved by the fire official prior to the issuance of a license required by subsections 8-40 (a), (b) and (c). Also such emergency plan shall be submitted to the fire official not later than sixty (60) days before any reissuance is to take place. Within thirty (30) days of the fire official's receipt of such plan, he shall approve such plan, or disapprove such plan indicating proposed amendments to such plan which would allow its approval. No license shall be issued unless the fire official has approved the emergency plans for the tank facility, bulk plant tank facility or distribution terminal for which the license is applicable.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-48. Regulation of distribution terminal.

When any inflammable or combustible liquid is being discharged, transferred or distributed from any distribution terminal by pipeline to any tank facility, the owner of said distribution terminal shall be required to have a responsible person present at said distribution terminal to supervise and monitor personally the entire transfer of said liquids.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-49. Inspections and reports.

(a) *Tank facility.*

- (1) Inspection of high level alarms shall be conducted monthly by the operator in the presence of the fire official or his duly authorized representative. The fire official shall maintain a written record of such inspections.
- (2) The operator of each tank shall maintain a written record, in a form approved by the fire official, of all alarm tests and supervision of receipt of combustible or inflammable liquids which record shall be available for inspection by the fire official upon request.
- (3) When it is discovered that an alarm is not in effective operating condition, unless the alarm can be repaired within twenty-four (24) hours or at least two (2) hours prior to the next delivery to such tank, whichever is sooner, the operator of the tank shall immediately orally notify the fire official of the out of service alarm. Such oral notification shall be confirmed by the operator in writing within three (3) days thereafter on a form provided by the county.

(b) *Distribution terminal.* The owner of any distribution terminal for combustible or inflammable liquids shall submit written reports of compliance with section 8-42 of this article as may be required by guidelines and policies set forth by the fire official.

(c) *Bulk plant tank facility.* The owner of any bulk tank facility shall submit written reports of compliance with section 8-42 of this article as may be required by guidelines and policies set forth by the fire official.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-50. Licenses.

- (a) No person shall engage in the business of storing inflammable or combustible liquids in the county, in a tank facility, unless he has a current license to do so, issued by the fire official.
- (b) No person shall engage in the business of operating a distribution terminal for combustible or inflammable liquids in the county unless he has a current license to do so, issued by the fire official.
- (c) No person shall engage in the business of storing inflammable or combustible liquids in the county in a bulk plant tank facility unless he has a current license to do so issued by the fire official.
- (d) A license fee shall be imposed for the issuance of a license pursuant to this section in order to provide funds necessary for the administration and enforcement of this article.
- (e) No license shall be issued by the fire official unless the applicant for said license furnishes to the fire official written permission for the fire official, or his lawful agent, to go upon the property of the applicant at any time for the purpose of determining compliance with this article.

(f) Any license issued under this section shall expire on December 31 next following its issuance.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-51. Notice of violation.

Whenever the fire official observes an apparent or actual violation of a provision of this article he shall prepare a written notice of violation describing the condition and specifying time limits for the abatement of violation. The written notice of violation of this article shall be served upon the licensee, his duly authorized agent, or upon the occupant, operator, or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to his last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the licensee's premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice. The notice of violation shall be complied with in the time specified by the fire official.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-52. Revocation of license.

If the fire official determines that there has been a violation of or noncompliance with this article, he may suspend any license issued pursuant to section 8-50. In the event that a license is suspended, the licensee shall have the right to appeal. Pending the appeal in a case where the fire official determines that the violation does not result in the endangerment or loss of life, limb or property of any person, the suspension of the license shall be stayed. Suspensions under this section shall remain in effect until the cause of the violation has been ascertained and rectified and until the conditions causing suspension is certified safe by the fire official.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-53. Waiver of provisions.

The fire official shall have the power to waive any of the provisions of this article for up to thirty (30) days upon application in writing by the owner when there are practical difficulties in carrying out the strict letter of this article. In all cases, the spirit of this article shall be observed and public safety assured. The particulars of such waiver when granted or allowed and the decision of the fire official thereon shall be immediately communicated to the county board of supervisors, entered upon the records of the fire official's office and a signed copy shall be furnished to the owner.

(Ord. No. 00107-05, 1-8-2007)

Secs. 8-54—8-60. Reserved.

DIVISION 4. FIRE MARSHAL; ENFORCEMENT

Sec. 8-61. Appointment.

There shall be a fire marshal appointed by the board of supervisors. The fire marshal shall have all the powers and duties set out in Code of Virginia, tit. 27, ch. 3, pertaining to local fire marshals, including those powers and

duties set out in the Statewide Fire Prevention Code. Deputies and assistants shall also have those powers and duties, in the absence of the fire marshal and as otherwise directed by the fire marshal, and the term "fire marshal" when used in this division shall include deputies and assistants of the fire marshal.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-62. Authority and duties.

The fire marshal shall have the authority and duties set out in the Code of Virginia, tit. 27, ch. 3, including the power to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law, for violation of fire prevention and fire safety laws and related ordinances. The fire marshal, deputies and assistants shall have the same police powers as a sheriff, police officer or law enforcement officer and the fire marshal, deputies and assistants shall be responsible for investigation and prosecution of all offenses occurring within the county, involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-63. Investigation of fires.

The fire marshal or designee shall investigate and determine the origin and cause of every fire occurring within the county.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-64. Enforcement of Statewide Fire Prevention Code.

The fire marshal shall enforce the provisions of the Statewide Fire Prevention Code related to open burning, fire lanes, fireworks and hazardous materials and shall conduct inspections and plan reviews as necessary to ensure compliance with the Statewide Fire Prevention Code.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-65. Right to enter property.

The fire marshal shall have the right, pursuant to the Code of Virginia, tit. 27, ch. 3, to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in the Code of Virginia, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the county, city or town in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire marshal shall makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate may issue an investigation warrant to the fire marshal authorizing entry upon such property for the purpose of determining the origin and source of the release. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, the investigation shall be discontinued until a search warrant has been obtained or consent to conduct the search has otherwise been given.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-66. Fire code appeals board.

The fire code appeals board is hereby established. The board shall be composed of at least seven (7) members who meet the qualifications set out in the Statewide Fire Prevention Code. The members of the fire code appeals board shall be appointed by the board of supervisors to serve, at the pleasure of the board, for four-year terms. The fire code appeals board shall hear appeals made by any person who has been cited for a violation and is aggrieved by any decision or interpretation of the fire marshal made under the provisions of the Statewide Fire Prevention Code. Such appeals shall be submitted and heard in accordance with the provisions of the Statewide Fire Prevention Code.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-67. Permits required for certain regulated uses.

- (a) A permit shall be obtained from the fire marshal as deemed necessary or in response to a violation. Permits issued by the fire marshal shall be effective until such time as there is a change in use; change in ownership; or in response to a violation.
- (b) This permit requirement shall be interpreted and administered by the fire marshal in accordance with the Statewide Fire Prevention Code. The fire marshal shall establish procedures for inspections, issuance of permits and other functions necessary for administration of this requirement, and applications for permits shall be made on forms prescribed by the fire marshal.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-68. Permit fees.

- (a) Permit fees established by resolution of the board of supervisors shall be paid at the time of application.
- (b) Agencies of federal, state and local governments and entities which have been granted tax exempt status pursuant to section 501(c) of the Internal Revenue Code shall be exempt from the requirement for payment of fees.

(Ord. No. 00107-05, 1-8-2007)

Secs. 8-69—8-75. Reserved.

ARTICLE IV. EMERGENCY MEDICAL SERVICES

DIVISION 1. MEDICAL DIRECTORS AND CONTROL BOARD

Sec. 8-76. Medical director and assistant medical directors.

- (a) There shall be a Bedford Department of Fire and Rescue Operational Medical Director ("OMD"), who shall be appointed by the chief and shall serve as chairman of the medical control board and advise the chief.
- (b) The OMD shall also be responsible for:

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- (1) Coordinating the work of all assistant medical directors.
 - (2) Serving as the department's operational medical director.
 - (3) Recommending medical protocols to the medical control board.
 - (4) Advising the chief and the board of supervisors on medical issues pertaining to the provision of emergency medical services in the county.
- (c) The medical director of each rescue squad or other entity included in the department shall be an assistant medical director.

Coordination of the work of assistant medical directors will include consideration of protocols specific to the western region and BREMS.

(Ord. No. 00107-05, 1-8-2007)

DIVISION 2. SERVICE FEES²

Sec. 8-77. Service fees for emergency medical transport.

Reasonable fees shall be charged for emergency medical transport services provided by the fire and EMS department. The schedule of rates for services shall be established by resolution of the board of supervisors.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-78. Definitions.

Basic life support (BLS), advanced life support level 1 (ALS-1), advanced life support level 2 (ALS-2) and any other transport services shall be those services as defined by applicable federal regulations, including tit. 47 of the Code of Federal Regulations.

Ground transport mileage (GTM) shall be assessed based on measurement of a straight line from the location of the incident scene to a hospital or other facility where a patient is transported.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-79. Implementation.

The chief, under the supervision of the county administrator, is hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this division, including, but not limited to, a subscription program for county residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law. Such rules and regulations shall be reviewed by the board of supervisors annually.

(Ord. No. 00107-05, 1-8-2007)

²State law reference(s)—Code of Virginia, tit. 32.1, ch. 4, health care planning art. 2.1, statewide emergency services system and services, § 32.1-111.14

Sec. 8-80. Billing.

No organization mentioned in section 8-2 above that is licensed and chartered in Bedford County by the Commonwealth of Virginia may bill for services without the prior consent of the Bedford County Board of Supervisors. No provider mentioned in section 8-2 above will accept or receive payment directly from a patient or on behalf of a patient for services rendered to a patient.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-81. Penalties.

Any violation of this chapter for which a penalty is not specified shall be a class 1 misdemeanor. Any misrepresentation made by any person to any county officer or employee in the course of obtaining or renewing a permit or in providing information for a criminal or other record investigation shall constitute a class 1 misdemeanor.

(Ord. No. 00107-05, 1-8-2007)

Secs. 8-82—8-100. Reserved.

DIVISION 3. NON-DEPARTMENTAL EMS PROVIDERS

Sec. 8-101. Permits—Required for nondepartmental providers.

- (a) It shall be unlawful for any person or organization to provide emergency medical services, medical transportation, or operate vehicles for those purposes within the confines of the county for the emergency or nonemergency transportation of patients, without first being granted a permit by the board of supervisors, except when a mutual aid agreement has been approved by the chief. The board may issue such permits following a public hearing, subject to conditions established by the board.
- (b) Permits shall expire one (1) year from the date of issuance unless renewed by the chief in accordance with regulations of the department and the conditions established by the board.
- (c) The board of supervisors may revoke or suspend any permit upon a finding that any conditions of the permit have been violated, that federal, state or local laws or regulations have been violated or that the public health, safety or welfare is endangered by continued operation of the entity. Except in the case of a condition posing a danger to the public health or safety, no revocation or suspension action shall be taken by the board prior to notice and reasonable time being given to the permittee for correction of the condition.
- (d) Nondepartmental applicants and providers shall provide to the chief any information and records requested during the course of the application or renewal process or during the effective period of any permit.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-102. Procedure for permit applications; filing and content of application.

- (1) Any person or organization desiring a permit shall make application to the chief on a form prescribed by the chief, who may make a recommendation to the board of supervisors regarding the application.

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- (2) Each application shall include an explanation of the need for the services in the area to be served by the applicant, and evidence that the applicant is trained, equipped and otherwise qualified in all respects to render first-aid, emergency and transportation services in the area indicated in the application.
 - (3) Each permit application shall include any other information required by the chief and the applicant's notarized certification that all requisite state permits and certifications for its vehicles, operations and personnel are current and that its operations and personnel meet all applicable current federal, state and local requirements.
 - (4) Each applicant shall certify that no person who is to provide services is, or shall be, under the age of eighteen (18) years.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-103. Hearing, issuance and administration.

- (a) The board of supervisors shall consider each properly filed application after holding a public hearing. Should the board find (1) that there is a need for emergency medical services within the area in question, (2) that the need will be properly served by the applicant, and (3) that the applicant and any employees or personnel of the applicant are properly trained, equipped and otherwise qualified, the board of supervisors in its sole discretion may issue a permit under such conditions as the board deems appropriate.
- (b) Copies of all applications and all permits shall be retained by the chief, who shall be responsible for reviewing the permit prior to expiration and either renewing the permit or referring it to the board of supervisors for revocation or other action.
- (c) The chief may suspend the permit of any permittee for a period of thirty (30) days and may recommend to the board of supervisors the continued suspension or revocation of any permit should it be found, upon investigation, that the agency is not in compliance with federal, state or local laws, regulations or conditions of the permit or that the continued operation poses a danger to public health.
- (d) The board of supervisors may revoke or suspend any permit upon a finding that any conditions of the permit have been violated, that federal, state or local laws or regulations have been violated or that the public health, safety or welfare is endangered by continued operation of the entity. Except in the case of a condition posing a danger to the public health or safety, no revocation or suspension action shall be taken by the board prior to notice and reasonable time being given to the permittee for correction of the condition.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-104. Criminal record investigations and driving records.

Applicants for nondepartmental provider permits shall provide to the chief a copy of the complete criminal history record available from the Virginia Criminal Record Exchange and the motor vehicle driving record from the Virginia Department of Motor Vehicles of the applicant and of all persons proposed to provide services. The chief shall determine whether the records of the individuals are compatible with the provision of emergency medical services. Permitted providers shall also provide current records upon request of the chief.

(Ord. No. 00107-05, 1-8-2007)

Sec. 8-105. Appeals.

Upon application in writing by any person against whom a civil penalty or service charge has been assessed under this article, the county administrator may waive the civil penalty or service charge for good cause shown.

Chapter 9 FLOODPLAIN

ARTICLE I. IN GENERAL

Sec. 9-1. Title.

This article shall be known as the county's "floodplain ordinance."

(Ord. No. O-0710-109, 7-12-2010)

Secs. 9-2—9-10. Reserved.

ARTICLE II. FLOODPLAIN MANAGEMENT

Sec. 9-11. Purpose of and authority for article.

- (a) The purpose of the floodplain district requirements is to prevent the loss of property and life, 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:
- (1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
 - (2) Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
 - (3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or floodproofed against flooding and flood damage; and
 - (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- (b) This article is authorized by the Code of Virginia, specifically §§ 15.2-2280 and 15.2-2241.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-12. Applicability.

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Bedford County and identified as being flood-prone.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-13. 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 chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
- (b) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) Records of actions associated with administering this chapter shall be kept on file and maintained by the zoning administrator.
- (d) This chapter shall not create liability on the part of Bedford County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-14. Definitions.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation. The Federal Emergency Management Agency designated 100-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this chapter, the 100-year flood or one (1) percent annual chance flood.

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 manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding.

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- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a. of this definition.

Flood insurance rate map (FIRM). An official map of a community, on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS). An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area. 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 than one (1) foot.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be cheaper.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement

area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Federal Code 44 CFR § 60.3.

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle. A vehicle which is built on a single chassis; Four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Shallow flooding area. A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area. The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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 fifty (50) percent 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 fifty (50) percent 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 a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-15. Warning and disclaimer of liability.

- (a) The degree of flood protection required by these requirements is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. These requirements do not imply that areas outside the floodplain districts and any land uses will be free from flooding or flood damage, and shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.
- (b) A violation is the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance as required in the National Flood Insurance Program regulations as promulgated in the Code of Federal Regulations (CFR) §§ 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-16. Basis of floodplain districts.

Floodplain districts shall include areas subject to inundation by water of the 100-year flood. The basis for the delineation of floodplain district boundaries shall be the Flood Insurance Study for Bedford County, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 29, 2010, as amended, in which the boundaries of the floodplain districts are shown on the flood insurance rate maps (FIRMS) which is declared to be a part of this chapter and which shall be kept on file at the zoning administrator's office.

- (1) *District boundary changes:* The delineation of any of the floodplain districts may be revised by the board of supervisors where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, or other qualified agency or individual, documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.
- (2) *Interpretation of district boundaries:* Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. A person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present a case to the board of zoning appeals and may submit his own technical evidence.
- (3) *Submitting technical data:* The county's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the county shall notify the federal insurance administrator of the changes by submitting technical or scientific data. Such a submission is necessary

so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-17. Establishment of floodplain districts.

The floodplain areas within the county are hereby divided into the following districts: Floodway district, the special floodplain district and approximated floodplain district.

- (1) The floodway district is delineated for purpose of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 5 of the above-referenced flood insurance study and shown on the flood boundary and floodway map, or FIRM.
- (2) The special floodplain district shall be those areas identified as an AE zone on the maps accompanying the flood insurance study for which 100-year flood elevations have been provided.
- (3) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year evaluation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports and U.S. Geological Survey Flood-Prone Quadrangles, 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 analysis 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, analysis, and computations shall be submitted in sufficient detail to allow a thorough review by the board of supervisors.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-18. Overlay concept.

- (a) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- (b) If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- (c) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-19. Floodplain district activities.

The activities within the floodplain districts shall include:

(1) *Floodway district:*

- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. 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 zoning administrator.
- b. Development activities which increase the water surface elevation of the base flood may be allowed; provided that the developer or applicant first applies with Bedford County's endorsement for a conditional flood insurance rate map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- c. If a developer is successful in obtaining a conditional flood insurance rate map and floodway revision, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the anchoring, elevation and encroachment standards are met.

(2) *Special floodplain district:*

- a. In these districts, the development and/or use of land shall be permitted in accordance with the regulations herein, 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 (VA USBC) and all other applicable codes and ordinances.
- b. However, in the special floodplain district, the applicant and/or developer shall evaluate the effects of the proposed development and/or use of land on the floodplain with current hydrologic and hydraulic engineering techniques. The applicant and/or developer shall submit studies, analysis, computations, etc., to show the delineation of a floodway based on the requirement that all existing and future development not increase the 100-year flood elevation more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood height.
- c. Development activities in zone AE on Bedford County's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the developer or applicant first applies with Bedford County's endorsement for a conditional flood insurance rate map revision, and receives the approval of the Federal Emergency Management Agency.

(3) *Approximated floodplain district:*

- a. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone

Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the zoning administrator.

- b. The zoning administrator reserves the right to require a hydrologic and hydraulic analyses for any development.
- c. When such base flood elevation data is utilized, the lowest floor shall be elevated to the base flood level. During the permitting process, the zoning administrator shall obtain:
 - 1. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
 - 2. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-20. General requirements.

- (a) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit as required by the county's zoning ordinance. 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, the Bedford County Zoning Ordinance and the Bedford County Subdivision Ordinance. Prior to the issuance of any such permit, the zoning administrator and building inspector shall require all applications to include compliance with all applicable state and federal laws.
- (b) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (c) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse or stream within the county, approval shall be obtained from the division of dam safety and floodplain management (department of conservation and recreation). A permit from the U.S. Corps of Engineers and the Marine Resources Commission and/or a certification from the state water control board may be necessary. A joint permit application is available from anyone of these three (3) organizations. Further notification of the proposal shall be given to all affected adjacent jurisdictions. Copies of such notifications shall be provided to the division of soil and water conservation (department of conservation and recreation), Bedford County Community Development and the Federal Insurance Administration.
- (d) All applications for development in a floodplain district and all building permits issued for the floodplain shall incorporate the following information:
 - (1) For structures that have been elevated, the elevation of the lowest floor (including basement).
 - (2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.
 - (3) The elevation of the 100-year flood.
 - (4) Topographic information showing existing and proposed ground elevations.
- (e) The following provisions shall apply to all permits:

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- (1) New construction and substantial improvements shall be according to the Virginia Uniform Statewide Building Code and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (3) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-21. Specific standards.

In all special flood hazard areas where base flood elevations have been provided in the flood insurance study or generated according to subsection 9-19(3), the following provisions shall apply:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to the base flood level.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to the base flood level. Buildings located in all A and AE zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by zoning administrator.
- (3) *Elevated buildings.* Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation.
 - c. Include in zones A and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 1. Provide a minimum of two (2) openings on different (opposite) sides of each enclosed area subject to flooding.
 2. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 3. If a building has more than one (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

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4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (4) The placement of any mobile or manufactured home, except in an existing mobile or manufactured home park or subdivision, within the floodway district is specifically prohibited.
 - (5) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
 - (6) As related to the above categories of construction, all electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (7) All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions); or
 - c. Meet all the requirements for manufactured homes.
 - (8) For all new subdivisions which adjoin or include floodplain areas identified in the flood insurance study, the base flood elevation shall be shown on the final record plat.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-22. Existing structures in floodplain districts.

A structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued by vested right, subject to the following conditions:

- (1) Existing structures and/or uses located in the floodway district shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement of flood heights is fully offset by accompanying improvements.
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.

(3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

(4) Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-23. Design criteria for utilities and facilities.

- (a) *Sanitary sewer facilities.* All new replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations of floodwaters into the systems and discharges from the systems into the floodwaters, shall be located and constructed to minimize or eliminate flood damage and impairment.
- (b) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- (c) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage away from buildings and on-site waste disposal sites. The board of supervisors may require a primarily underground system to accommodate larger, less frequent floods. Drainage plans shall be consistent with facilities discharge of excess runoff onto adjacent properties.
- (d) *Utilities.* All utilities such as gas lines, electrical and telephone systems being in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- (e) *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-24. Abrogation and greater restrictions.

The ordinance from which this chapter derives supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-25. Severability.

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

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-26. Penalty for violations.

- (a) Any person who fails to comply with any of the requirements or provisions of this chapter or the directives of the zoning administrator or any authorized employee of Bedford County shall be guilty of a class 3 misdemeanor and subject to the penalties therefore.
- (b) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by Bedford County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this chapter.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-27. Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

(Ord. No. O-0710-109, 7-12-2010)

Sec. 9-28. Appeals procedures for administrative decisions regarding floodplain district requirements.

Any person aggrieved by a decision of the zoning administrator with respect to the provisions of this section herein has the right to appeal to the board of zoning appeals in accordance with sections 30-24 of the Bedford County Zoning Ordinance. In addition to provisions of section 30-24, the following factors shall be considered:

- (1) In passing upon applications for a variance to the requirements herein, the board of zoning appeals shall satisfy the following factors:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments, such as no zoning permit shall be granted for any proposed use, development or activity within the floodway district that will cause any increase in flood levels during the 100-year flood.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

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- e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in time of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - m. Such other factors which are relevant to the purposes of this chapter.
- (2) Variances shall only be granted after the board of zoning appeals has determined that the granting of such variance will not result in: (1) unacceptable or prohibited increases in flood heights; (2) additional threats to public safety; (3) extraordinary public expense; (4) create nuisances; (5) cause fraud or victimization of the public; or (6) conflict with local laws or ordinances.
 - (3) Variances shall only be granted after the board of zoning appeals has determined that the variance will be minimum relief to any hardship.
 - (4) The board of zoning appeals shall notify the applicant for a variance in writing that the granting of a variance to construct a structure below the 100-year flood evaluation: (1) increases risks to life and property; and (2) will result in increased premium rates for flood insurance.
 - (5) A record of the above notification, as well as all actions on the requested variances, including justification for their issuance, shall be maintained, and any variances which are granted shall be noted in the annual report submitted to the Federal Insurance Administration.

(Ord. No. O-0710-109, 7-12-2010)

Secs. 9-29—9-50. Reserved.

Chapter 10 LAKES AND WATERWAYS

ARTICLE I. IN GENERAL

Secs. 10-1—10-20. Reserved.

ARTICLE II. SMITH MOUNTAIN LAKE AND LEESVILLE LAKE

Sec. 10-21. Placement or removal of no-wake buoys or other markers.

- (a) Any person who desires to place or remove no-wake buoys or other markers relating to the safe and efficient operation of vessels on Smith Mountain Lake or Leesville Lake shall apply to the Tri-County Lakes Administrative Commission.
- (b) The Tri-County Lakes Administrative Commission shall act as agent for the Bedford County Board of Supervisors and shall approve, disapprove or approve with modifications, the application and forward it to the Virginia Department of Game and Inland Fisheries Director.
- (c) The Tri-County Lakes Administrative Commission shall develop policies and procedures for review of such applications which shall include a procedure for notice to the public and a public hearing; however, such policies and procedures shall provide that the policy advisory board itself shall not initiate an application for removal of no-wake buoys lawfully in existence as of the date of this section unless there has been a substantial change in the conditions which led to the approval for the placement of said buoys, but subject to review according to the regulations of the Virginia Department of Game and Inland Fisheries. Otherwise, the policy advisory board shall develop policies and procedures which are subject to the approval of the Bedford County Board of Supervisors.

(Ord. of 99-9-00; O022420-13, 2-24-2020)

Chapter 11 MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 11-1. Adoption of state laws.

- (a) Pursuant to the authority of Code of Virginia, §§ 1-13.39:2 and 46.2-2-1313, as amended, all of the provisions and requirements of the laws of the state contained in Code of Virginia, tit. 46.2, as amended; Code of Virginia, tit. 18.2, ch. 7, art. 2, as amended; and Code of Virginia, tit. 16.1, ch. 11, art. 9, as amended, as in force on July 1, 2009, including any amendments to those statutes which may be adopted by the general assembly in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are adopted and incorporated in this chapter by reference and made applicable within the county.
- (b) The following articles of Code of Virginia, tit. 46.2, are specifically excluded from such adoption and incorporation; article 2 of chapter 2; articles 6, 13, 14, 15, 16, 17, 18 and 19 of chapter 3; articles 4 and 5 of chapter 6; articles 2 and 23 of chapter 10; and chapter 14.
- (c) References to "highways of the state" contained in the provisions and requirements hereby adopted and incorporated shall refer to the streets, highways and other public ways within the county. It shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision or requirement of Code of Virginia, tit. 46.2; as amended, Code of Virginia, tit. 18.2, ch. 7, art. 2, as amended; or Code of Virginia, tit. 16.1, ch. 11, art. 9, as amended, which is adopted by this section, and the penalty imposed for the violation of any provision or requirement hereby adopted shall be the same penalty imposed for a similar offense under Code of Virginia, tit. 46.2; Code of Virginia, tit. 18.2, ch. 7, art. 2, as amended; or Code of Virginia, tit. 16.1, ch. 11, art. 9, as amended.

(Ord. No. O-1109-228, 11-23-2009)

Sec. 11-2. Applicability of chapter to roadways not part of the state highway system.

The provisions of this chapter shall include private roads that have been specifically designated as "highways" by an ordinance adopted by the county. In considering private roads for law enforcement purposes, the several owners adjoining the road shall present to the Bedford County Board of Supervisors a petition signed by two-thirds of the property owners adjoining the road which requests that the private road receive such designation.

(Ord. No. O-1109-228, 11-23-2009)

State law reference(s)—Code of Virginia, § 46.2-100.

Sec. 11-3. Impaired operator causing accident or incident; responsibility for resulting emergency response expenses.

- (a) Any person convicted of any of the following violations found in the Code of Virginia, shall, at the time of sentencing or in a separate civil action, be liable to the county or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county for responding law enforcement,

firefighting, rescue and emergency services, including those incurred by the sheriff's office of the county, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing any appropriate emergency response to any accident or incident related to such violation: (i) Code of Virginia, §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or 46.2-341.24, or a similar ordinance, when his operation of a motor vehicle, engine, train, or watercraft, while so impaired is the proximate cause of any accident or incident; (ii) provisions of art. 7 (Code of Virginia, § 46.2-852 et seq.) of ch. 8 of tit. 46.2, relating to reckless driving, when reckless driving is the proximate cause of the accident or incident; (iii) the provisions of art. 1 (Code of Virginia, § 46.2-300 et seq.) of ch. 3 of tit. 46.2 relating to driving without a license or driving with a suspended or revoked license; and (iv) the provisions of Code of Virginia, § 46.2-894 relating to improperly leaving the scene of an accident.

- (b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident, incident, or arrest occurring in such locality. In determining the "reasonable expenses", a locality may bill a flat fee of two hundred dollars (\$250.00) or a minute-by-minute accounting of the actual costs incurred.
- (c) As used in this section "appropriate emergency response" shall mean all costs of providing-law enforcement, fire-fighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the county for responding law-enforcement, fire-fighting, rescue and emergency medical services.
- (d) The provisions of this section shall not preempt or limit any remedy available to the commonwealth, the county or any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

(Ord. No. O-1109-228, 11-23-2009)

State law reference(s)—Code of Virginia, § 15.2-1716.

Secs. 11-4—11-19. Reserved.

ARTICLE II. VEHICLE LICENSE

Sec. 11-20. Definitions.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle means every motor vehicle, as defined in this article, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than twenty-five (25) years prior to January 1 of each calendar year and is owned solely as a collector's item and licensed by the commonwealth under Code of Virginia, § 46.2-730.

Camping trailer means every vehicle which has collapsible sides and contains sleeping quarters, but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

Decal means a device to be attached to a license plate or front windshield.

License plate means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the commonwealth and/or county.

Manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Motor home means every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.

Motor vehicle means every vehicle as defined in this section which is self-propelled or designed for self-propulsion except as otherwise provided in this article. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle.

Motorcycle means every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground.

Nonresident means every person who is not domiciled in Bedford County.

Operator or driver means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway, or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds the legal title to a vehicle or, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or, if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title; except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle.

Passenger car means every motor vehicle other than a motorcycle designed and used primarily for the transportation of no more than ten (10) persons including the driver.

Pickup or panel truck means every motor vehicle designed for the transportation of property and having a registered gross weight of seven thousand five hundred (7,500) pounds or less.

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

Tractor truck means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

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

Truck means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of seven thousand five hundred (7,500) pounds.

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

(Ord. of 11-28-2005)

Sec. 11-21. Violations of article.

Unless otherwise specifically provided, any person who violates any of the provisions of this article shall be guilty of a misdemeanor, the penalty for which shall not exceed that of a class 4 misdemeanor.

(Ord. of 11-28-2005)

Sec. 11-22. License required.

Every motor vehicle, trailer and semitrailer subject to licensing by the state and operated on the streets, highways or roads within the county, for business or for the private use or benefit of the owner, or normally garaged, stored or parked within the county shall be subject to licensing under this article. The situs for the imposition of licensing fees under this article shall in all cases be the county, city or town in which the motor vehicle, trailer, or semitrailer 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.

(Ord. of 11-28-2005)

Sec. 11-23. Exemptions.

- (a) This article shall not apply to motor vehicles owned by residents of any incorporated town in the county, which town imposes a license fee upon owners and motor vehicles in the town, if such town constitutes a separate school district; or
- (b) Nothing in this article shall be construed to require a license tax on a person or vehicle exempted from same under the provisions of any of the statutes of the Commonwealth; or
- (c) No license fee on any motor vehicle, trailer, or semitrailer shall be imposed under this article when:
 - (1) A similar fee is imposed by the county, city, or town wherein the vehicle is normally garaged, stored or parked;
 - (2) The vehicle is owned by a nonresident of Bedford County and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subsection (c)(3);
 - (3) The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within Bedford County, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;
 - (4) The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of Bedford County and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;
 - (5) The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;
 - (6) The motor vehicle, trailer, or semitrailer 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;
- (d) No license fee shall be imposed for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the department of motor vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Code of Virginia, § 46.2-739;
- (e) No license fee shall be imposed upon any daily rental passenger car, the rental of which is subject to the tax imposed by Code of Virginia, § 58.1-2402 A 4; or

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- (f) The license required by this article shall be issued free of charge for the following: (i) vehicles owned by volunteer rescue squads; (ii) vehicles owned by volunteer fire companies; (iii) vehicles owned by the Commonwealth and political subdivision of the Commonwealth; (iv) vehicles owned by an active member of a volunteer rescue squad; and (v) vehicles owned by an active member of a volunteer fire company.

In the case of active members of volunteer rescue squads and fire companies, no member of a volunteer rescue squad or a volunteer fire company shall be issued more than one (1) such license free of charge.

In order for the treasurer to determine the active members of the respective volunteer rescue squads and fire companies, located in Bedford County, a listing of the members that were active as of October 1 of the preceding year and that have remained active through December 31 must be supplied to the treasurer by each respective volunteer rescue squad and/or fire company by January 15 of each year. Such listing shall be in a format as determined by the treasurer but shall include certification by the captain of each respective volunteer rescue squad and fire chief of each respective volunteer fire company as to the accuracy of the respective list.

(Ord. of 11-28-2005)

Sec. 11-24. Requirements for operation; regional compact.

It shall be unlawful for any person to operate a motor vehicle, trailer or semitrailer, from a situs jurisdiction which is a party to a regional enforcement compact with the county, on any street, highway, road or other travelled way in the county unless a valid local or license decal issued by the appropriate situs jurisdiction of such vehicle is displayed thereon as required by law of such situs locality. The fact that the current license tax of the situs jurisdiction has been paid on such vehicle shall not bar prosecution for a violation of this section.

(Ord. of 11-28-2005)

Sec. 11-25. Separate license for vehicles in combination.

In case of a combination of a tractor-truck and trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and separate license decals or plates shall be issued therefor under the provisions of this article.

(Ord. of 11-28-2005)

Sec. 11-26. Vehicle license fee imposed.

- (a) On each and every motor vehicle there shall be an annual license fee of twenty-five dollars (\$25.00).
- (b) On each and every trailer and semitrailer, there shall be an annual license fee of:
- (1) One-half ton or less \$ 8.00
 - (2) More than one-half ton 18.50
- (c) On each and every motorcycle or motor scooter, there shall be an annual license fee of ten dollars (\$10.00).
- (d) On each and every antique motor vehicle there shall be a one-time license fee of five dollars (\$5.00).

(Ord. of 11-28-2005)

Sec. 11-27. Vehicle license fee imposed.

The vehicle license fee year shall commence on April 1 and expire on March 31 of each year.

(Ord. of 11-28-2005)

Sec. 11-28. Proration of vehicle license fee.

Only one-half ($\frac{1}{2}$) of the license fee prescribed by this article shall be assessed and collected whenever any such license fee first becomes assessable during the period beginning on October 1 in any year and ending on January 15 in the same year; and only one-third ($\frac{1}{3}$) of such license fee shall be assessed and collected whenever any such license fee first becomes assessable after January 15 in the same license fee year. Purchasers of new or used motor vehicles shall be allowed a ten-day grace period, beginning with the date of purchase of the new or used motor vehicle during which to pay the license fees imposed under section 11-24 of this chapter.

(Ord. of 11-28-2005)

Sec. 11-29. Application.

Any person desiring a license required by this article shall make application for such license on forms supplied by the county, at the office of the county treasurer or at the office of such other agent as may be designated from time to time by the board of supervisors.

(Ord. of 11-28-2005)

Sec. 11-30. Payment of vehicle personal property taxes prerequisite to licensing.

No motor vehicle, trailer, or semitrailer shall be licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county. No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the county on any tangible personal property used or usable as a dwelling titled by the department of motor vehicles owned by the taxpayer have been paid.

(Ord. of 11-28-2005)

Sec. 11-31. Issuance of plate or decal.

Upon the filing of a proper application and payment of the license tax prescribed by this article, a license plate or decal shall be issued for the vehicle for which such fee was paid, subject to the provisions of section 11-28.

(Ord. of 11-28-2005)

Sec. 11-32. Display of plate or decal generally.

The license plate or decal issued under this article shall be attached to the vehicle licensed in such manner as to be readable and in a manner similar to state license tags or inspection stickers. It shall be unlawful for any owner

or operator of a motor vehicle trailer or semitrailer which is subject to licensing under this article to fail to obtain and display such license of the county after its expiration date.

(Ord. of 11-28-2005)

Sec. 11-33. Loaning, selling, etc., plate or decal or permitting its use by another.

It shall be unlawful for any person to whom a decal or plate is issued under this article, to give, loan, rent, sell, assign or transfer such decal or plate to another or to otherwise permit another to use such decal or plate in any manner during the vehicle fee year for which the same is issued.

(Ord. of 11-28-2005)

Sec. 11-34. Display of expired plate or decal.

Each license plate or decal issued under this article shall expire at the end of the vehicle license fee year in which the same is issued. It shall be unlawful for the owner or operator to display thereon any county license plate or decal after the expiration date of such plate or decal. A violation of this section shall constitute a misdemeanor, the penalty for which shall not exceed that of a class 4 misdemeanor.

(Ord. of 11-28-2005)

Sec. 11-35. Substitute plate or decal.

In the event that any license plate or decal issued under the provisions of this article is lost or mutilated or becomes illegible or if the decal is transferred to a another vehicle, the owner shall make immediate application for and obtain a duplicate or substitute upon furnishing information of such fact satisfactory to the issuing office and upon payment of one dollar (\$1.00).

(Ord. of 11-28-2005)

Sec. 11-36. Disposition of taxes collected under article.

The revenue derived from all county license taxes collected under authority of this article shall be applied to general county purposes.

(Ord. of 11-28-2005)

Secs. 11-37—11-39. Reserved.

ARTICLE III. PARKING

Sec. 11-40. Regulation of parking on county-owned or leased property.

It shall be unlawful to park motor vehicles in any space marked or designated as "reserved" (or similar language) on any county-owned or leased parking lot. "County-owned" shall include property titled in the name of the Bedford County, Bedford County Public Schools, Bedford County Public Service Authority and the Bedford County Economic Development Authority.

(Ord. No. O1115-264, art. III, 11-15-2006)

State law reference(s)—Code of Virginia, §§ 46.2-1220—1221.

Sec. 11-41. Parking in spaces reserved for persons with disabilities.

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under Code of Virginia, § 46.2-1241, or DV disabled parking license plates issued under subsection (B) of Code of Virginia, § 46.2-739, to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk as defined in Code of Virginia, § 46.2-1240, or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- (b) This section may be enforced by the issuance of a summons or parking ticket for violation of the ordinance by law enforcement officers, trained auxiliary officers serving in a unit established pursuant to subsection (d) of this section or other uniformed personnel employed by Bedford County to enforce parking regulations without the necessity of a warrant being obtained by the owner of the private parking area.
- (c) In any prosecution charging a violation of this section, no violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in Code of Virginia, § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.
- (d) The sheriff is authorized to establish and supervise trained auxiliary police officers to enforce violations of this section.
- (e) The provisions of Code of Virginia, §§ 46.2-1247—1248, and §§ 46.2-1250—1253, are each incorporated by reference into this section and made a part thereof as if set out in full.

(Ord. No. O1115-264, art. III, 11-15-2006)

Sec. 11-42. Parking prohibited in certain places.

- (a) *Fire lanes.* As used in this article, a "fire lane" shall mean an area designated by clearly visible signs and/or markings in which parking shall be prohibited, whether on public or private property, to ensure ready access for and to fire-fighting equipment and facilities.
 - (1) No person shall park, or leave an unattended vehicle in, or otherwise obstruct with a vehicle, any designated or marked fire lane.
 - (2) No person shall place or locate any equipment, materials, or any other object in, or otherwise obstruct, any designated or marked fire lane.
- (b) *Access to fire hydrants and equipment.* No person shall park or leave standing a motor vehicle within fifteen (15) feet of any fire hydrant on public or private property or of the entrance to any building housing fire equipment or rescue squad equipment.

(Ord. No. O1115-264, art. III, 11-15-2006; Ord. No. O-1109-228, 11-23-2009)

State law reference(s)—Code of Virginia, §§ 46.2-1221, 1239 and 1306.

Secs. 11-43—11-46. Reserved.

Sec. 11-47. Schedule of fines.

Except as otherwise noted in this article, violation of any provision of this article shall be a traffic infraction punishable by a fine according to the following schedule:

Type of Violation	Paid Within 10 Days	Paid After 10 Days
§ 11-41	\$100.00	\$200.00
§ 11-42	\$25.00	\$50.00
Other violations of this article	\$10.00	\$20.00

(Ord. No. O1115-264, art. III, 11-15-2006; Ord. No. O-1109-228, 11-23-2009)

Sec. 11-48. Issuance of citation; amount and pre-payment of fines.

- (a) The sheriff shall prepare an appropriate ticket and ticket stub for use in enforcing the provisions of this article. Any law enforcement officer charged with enforcing this article shall attach, in plain view, to any such vehicle parked in violation of this article, a ticket notifying the owner or operator of such vehicle of the vehicle and instructing such owner or operator when and where to report with reference to the violations. The time of the violation shall be noted on the ticket and stub. The ticket stub shall be turned in the Office of the General District Court Clerk of Bedford County. The ticket and stub shall have corresponding numbers. The ticket shall contain the following statement:

NOTICE: You may pay this by appearing at the Office of the General District Court Clerk of Bedford County, 123 East Main Street, Bedford, Virginia between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you prefer, you may mail the ticket and fine to the aforementioned office at 123 East Main Street, Bedford, Virginia 24523. Checks should be payable to the Bedford County General District Court Clerk. If you fail to take care of this ticket with ten (10) days, then further action will be taken which could result in your having to appear in court and paying additional costs.

- (b) Within ten (10) days of the time when a ticket is attached to a vehicle pursuant to this section, the owner or operator of such vehicle may appear in the General District Clerk's Office, during regular working hours, and waive his right to be formally tried for the violation indicated on the ticket, by paying the fine prescribed by section 11-47 as penalty for, and in full satisfaction of, such violation.
- (c) In lieu of payment of the fine in accord with subsection (b) above, such owner or operator may contest the parking ticket, within the time prescribed in subsection (b), by presenting it to the Bedford County General District Court Clerk, who shall certify such contest, in writing, on an appropriate form, to the general district court.

(Ord. No. O1115-264, art. III, 11-15-2006; O092319-07, 9-23-2019, eff. 1-1-2020)

State law reference(s)—Code of Virginia, § 46.2-1225, Uncontested payment of parking tickets and certification of contest of such tickets.

Sec. 11-49. Procedure for delinquent parking tickets.

- (a) If the owner or operator of the motor vehicle to which a ticket is attached pursuant to this article does not appear in the General District Court Clerk's office and pay the fine or present the ticket for certification within the time prescribed in section 11-48, the clerk shall, in order to secure the collection of county funds, notify

the owner or operator of the vehicle in question, by mail directed to his last known address or his address as shown on the records of the department of motor vehicles, that he may pay the fine provided by section 11-47 for such violation, plus a penalty in the sum of five dollars (\$5.00), within five (5) days of the receipt of the notice, at the clerk's office. Such notice shall be contained in an envelope with the words "Law-Enforcement Notice" stamped or printed on the face thereof in type at least one-half-inch in height.

- (b) If a person to whom the notice provided for in subsection (a) above, is given fails to pay the fine and penalty within the time prescribed in the notice, the clerk shall notify the officer who issued the original ticket and the clerk shall then cause to be issued a complaint, summons or warrant for the delinquent parking ticket. The owner or operator of the vehicle in question may pay the fine to the treasurer prior to the date he is to appear in court, provided he also pays necessary costs and the penalty referred to in subsection (a) above. The clerk's receipt shall be conclusive evidence of such payment.
- (c) The Bedford County General District Court Clerk shall keep appropriate records of, and account for, all fines and penalties paid to her pursuant to sections 11-48 and 11-49.

(Ord. No. O1115-264, art. III, 11-15-2006; O092319-07, 9-23-2019, eff. 1-1-2020)

State law reference(s)—Code of Virginia, § 46.2-1225; Issuance of complaint, summons or warrant for delinquent parking tickets generally and record keeping, requirement for notice as provided for in subsection (a) above, Code of Virginia, § 46.2-941.

Sec. 11-50. Presumption in prosecutions of parking violations.

In a prosecution charging a violation of any provision of this article or any regulation or rule established pursuant hereto, proof that the vehicle described in the complaint, summons, parking ticket or warrant was parked in violation such provision, together with proof that the defendant was, at the time of such parking violation, the registered owner of the vehicle, as required by Code of Virginia, tit. 46.2, ch. 6, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

(Ord. No. O1115-264, art. III, 11-15-2006)

State law reference(s)—Code of Virginia, § 46.2-1221.

Sec. 11-51. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

- (a) Any motor vehicle parked on a public highway or public grounds against which there are three (3) or more unpaid or otherwise unsettled parking violation notices may be removed to a place within the county or in an adjacent locality designated by the sheriff for temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law enforcement personnel. Removal or immobilization shall be by, or under the direction of, the sheriff or his deputies.
- (b) It shall be the duty of the law enforcement personnel removing or immobilizing the motor vehicle or under whose direction it is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempts to move the vehicle might damage it.
- (c) The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to

repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law enforcement personnel.

- (d) The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal and storage of the vehicle, and for the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, sale of the motor vehicle shall be made in accordance with the procedures set forth in Code of Virginia, § 46.2-1213.

(Ord. No. O1115-264, art. III, 11-15-2006)

State law reference(s)—Code of Virginia, § 46.2-1216.

ARTICLE IV. DESIGNATION OF PUBLIC HIGHWAYS FOR GOLF CART OR UTILITY VEHICLE USE

Sec. 11-52. Use of golf carts or utility vehicles on public highways.

No person shall operate a golf cart or utility vehicle on or over any public highway in the county except as provided in this article.

(Ord. No. O051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-916.1.

Sec. 11-53. Definitions.

For the purposes of this article, the following words shall have the meaning given herein:

Golf cart: A self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

Highway: The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the county, including the streets and alleys, and, for law-enforcement purposes: (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the board of supervisors; and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States Government and located in the commonwealth.

Sheriff: The Sheriff of the Bedford County Sheriff's Office or his designee.

Utility vehicle: A motor vehicle that is: (i) designed for off-road use; (ii) designed with a bed and designed for side-by-side seating; (iii) powered by an engine of no more than twenty-five (25) horsepower; and (iv) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in Code of Virginia, § 46.2-100, riding lawn mowers, or any other vehicle whose definition is included in Code of Virginia, § 46.2-100.

(Ord. No. O051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-100.

Sec. 11-54. Designation of public highways for golf cart and utility vehicle operations.

- (a) No portion of the public highways may be designated for use by golf carts and utility vehicles unless the board of supervisors has reviewed and approved such highway usage.
- (b) The board of supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the county after: (i) considering the speed, volume, and character of motor vehicle traffic using such highways; and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the commonwealth's statewide pedestrian policy provided for in Code of Virginia, § 33.1-23.03:001.
- (c) No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.
- (d) Signs alerting motorists that golf carts may be in operation shall be erected along all roads designated for golf cart and utility vehicle operation or in such locations as determined by the sheriff. The county shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. The cost of the installation and continued maintenance of the signs on streets and highways designated for golf cart use shall be the responsibility of the organizations, individuals, homeowners associations or other entities requesting the designations. All costs incurred by the county for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation.

(Ord. No. 0051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-916.2.

Sec. 11-55. Limitations on golf cart and utility vehicle operations on designated public highways.

- (a) Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:
 - (1) A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is twenty-five (25) miles per hour or less. No golf cart or utility vehicle shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than twenty-five (25) miles per hour;
 - (2) No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;
 - (3) Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Code of Virginia, § 46.2-1081;
 - (4) Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in article 3 (Code of Virginia, § 46.2-1010 et seq.) of chapter 10 of title 46.2 of the Code of Virginia for different classes of vehicles; and
 - (5) Golf carts and utility vehicles operating on designated streets and highways pursuant to this article shall be insured by a recreational vehicle policy of insurance with coverage of not less than fifty thousand dollars (\$50,000.00) per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated street or highway.

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- (b) The limitations of subsection (a)(1) above shall not apply to golf carts and utility vehicles being operated as set forth in Code of Virginia, § 46.2-916.3(B).

(Ord. No. 0051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-916.3.

Sec. 11-56. Application procedure.

- (a) Any individual, organization, or entity may apply to the clerk of the board of supervisors to have a qualifying public highway in the county designated for golf cart or utility vehicle use, provided, however, that:
- (1) If the public highway is located within a neighborhood with a homeowners association, whether mandatory or not, such application shall be in the name of the homeowners association and shall be signed by a duly-authorized representative of the homeowners association.
 - (2) If the public highway is not located within a neighborhood with a homeowners association, or is otherwise located outside of a neighborhood, such application shall be accompanied by a petition affirmatively seeking such designation. Such petition shall include signatures representing at least fifty-one (51) percent of the parcels adjacent to each of the public highways proposed for designation.
- (b) At a minimum, each application shall include the following:
- (1) The full legal name of the individual, organization, or entity making the application;
 - (2) The name and route number of each public highway to be designated;
 - (3) A petition, if one is required by subsection 11-56(a)(2); and
 - (4) An application fee of two hundred fifty dollars (\$250.00).
- (c) Upon receipt and acceptance of the application by the clerk of the board of supervisors, it shall be considered by the sheriff and the Virginia Department of Transportation, who shall make a recommendation to the board of supervisors.
- (d) Following a public hearing, the board of supervisors shall consider the recommendations of the affected property owners, the Virginia Department of Transportation and the sheriff, the factors set forth in this article and the general merits of the application before making a determination.

(Ord. No. 0051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-916.3.

Sec. 11-57. Revocation of designation.

The board of supervisors may, at its sole discretion and upon recommendation of the sheriff, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

(Ord. No. 0051214-03, 5-12-2014)

State law reference(s)—Code of Virginia, § 46.2-916.3.

Secs. 11-58—11-80. Reserved.

Chapter 14 NOISE

Sec. 14-1. Declaration of policy.

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the county, and in the public interest noise should be restricted. It is, therefore, the policy of the county to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful and annoying noises from all sources subject to its police power.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-2. Definitions.

The following words, when used in this chapter, shall have the following respective meanings, unless the context clearly indicates a different meaning:

Agricultural production shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof, used for processing or retail merchandising of such crops, livestock or livestock products.

Agricultural products shall mean crops, livestock and livestock products, which shall include, but not be limited to the following:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans;
- (2) Fruits, including apples, peaches, grapes, cherries and berries;
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

County administrator means the county administrator, the sheriff, or their respective designees.

Device shall mean any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to a danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety or welfare of the community.

Excessive noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. Specific examples of prohibited excessive noise are set forth in section 14-3 of this chapter.

Forestral products shall include, but is not limited to, lumber, pulpwood, posts, firewood, and other wood products for sale or for farm use.

Horticultural products shall include commercial flowers, nursery stock, ornamental shrubs, ornamental trees and Christmas trees.

Motor vehicle means a vehicle defined as a motor vehicle by Code of Virginia, § 46.2-100 (1950), as amended.

Noise shall mean any sound that may cause, or tend to cause, an adverse psychological or physiological effect on human beings.

Noise source shall mean any equipment, motor vehicle, motorcycle, or facility, whether fixed or movable, that is capable of emitting sound beyond the property boundary of the property on which the equipment is used, but not including motor vehicles or motorcycles operated on public rights-of-way.

Owner means the person owning, controlling, or possessing land, premises, or personally.

Person means any individual, partnership, corporation, association, firm, trust, estate, private institution, society, club, group of people acting in concert, organization, agency, or any legal successor, representative, agent, or agency thereof. This term shall not include the federal, state, county, town, city, or local government, or any agency or institution thereof.

Plainly audible means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

Powered model vehicles means any mechanically or pyrotechnically powered vehicle, whether airborne, waterborne, or landborne, which is not designed to carry persons or property, including, but not limited to, model airplanes, boats, cars and rockets.

Public property means any real property owned or controlled by the county or any other governmental entity or institution.

Public right-of-way shall mean any street, avenue, boulevard, highway, alley, or public space that is owned or controlled by a public governmental agency.

Real property boundary means the property line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

Residential refers to single-unit, two-unit, and multi-unit dwellings, and residential areas of planned residential zoning district classifications, as set out in the zoning ordinance, as amended.

Sound means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at a finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Zoning district refers to the scheme of land use classification contained in the Bedford County Zoning Ordinance.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-3. Excessive noise—Punishment.

Any person violating any provision of this chapter shall be deemed guilty of a class 3 misdemeanor. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 14-4. Excessive noise—Specific prohibitions.

Subject to the exceptions provided in section 14-5, any of the following acts, or the causing or permitting thereof, is declared to be excessive noise constituting a class 3 misdemeanor and a public nuisance:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, record, tape or compact disc player, drum, musical instrument, or similar device between the hours of 11:00 p.m. and 6:00 a.m. as follows:
 - a. In such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building; or
 - b. In such a manner as to be plainly audible at a distance of one thousand (1,000) feet or more from the building in which it is located; or
 - c. When the sound is plainly audible at a distance of one thousand (1,000) feet or more from its source.
- (2) *Loudspeakers, public address systems and sound trucks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 11:00 p.m. and 6:00 a.m., in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two (2) dwelling units within a building.
- (3) *Horns, whistles, etc.* Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger.
- (4) *Explosive, fireworks and similar devices.* Using or firing any explosives, fireworks or similar devices which create impulsive sound in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, or on any public right-of-way or public property, in either case between the hours of 11:00 p.m. and 6:00 a.m. An exception to the hours-limitation of this subsection may be granted by way of a variance.
- (5) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 11:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building.
- (6) *Vehicles.*
 - a. Operation of a motor vehicle or operation of a motorcycle within the county that creates mechanical or exhaust noise that is plainly audible at a distance of two hundred (200) feet or more from the vehicle;
 - b. Operation of sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of one hundred (100) feet from the vehicle.
- (7) *Defective vehicles.* Operation of a motor vehicle or motorcycle so out of repair as to create mechanical or exhaust noise that is plainly audible at a distance of one hundred (100) feet from the vehicle.
- (8) *Construction.* The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 11:00 p.m. and 6:00 a.m.

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- (9) *Pneumatic hammer, chain saw, etc.* The operation between the hours of 11:00 p.m. and 6:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance.
 - (10) *Animals.* The owning, keeping or possessing of any animal or animals which frequently or habitually howl, bark, meow or squawk in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, to the extent as to constitute a nuisance between the hours of 11:00 p.m. and 6:00 a.m. This subsection shall not apply to any bona fide agricultural activity.
 - (11) *Commercial vehicle and trash collection vehicle operation.* The operation of a commercial vehicle or trash collection vehicle between the hours of 11:00 p.m. and 6:00 a.m., in such a manner as to be plainly audible at any residence one hundred (100) or more yards away.
 - (12) *Vehicle and equipment repair.* Repairing, rebuilding or modifying any motor vehicle or other mechanical device, except in a commercial or industrial use zoning district, between the hours of 11:00 p.m. and 6:00 a.m.
 - (13) *Freight transfer.* Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence between the hours of 11:00 p.m. and 6:00 a.m.
 - (14) *Sound amplification devices.* Using or operating a sound-amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or boat, or mounted in the interior of a building or vessel with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. O-1109-229, 11-23-2009; Ord. No. O102317-07, 10-23-2017; O021323-05, 02-13-2023)

Sec. 14-5. Exceptions.

Sections 14-3 and 14-4 shall have no application to any sound generated by any of the following:

- (1) Sound which is necessary for emergency work.
- (2) Public speaking and public assembly activities conducted on any public right-of-way or public property.
- (3) Radios, sirens, horns and bells on police, fire, or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities, and other such public special events or public activities.
- (5) Officially sponsored activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- (6) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- (7) Bona fide religious services, religious events, or religious activities or expressions, including, but not limited to music, singing, bells, chimes, and organs which are a part of such service, event, activity or expression.
- (8) Locomotives and other railroad equipment and aircraft.
- (9) The striking of clocks.
- (10) Military activities of the Commonwealth of Virginia or of the United States of America.

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- (11) Household tools, lawnmowers, and other lawn care equipment with manufacturer's recommended mufflers installed, between 6:00 a.m. and 11:00 p.m.
 - (12) The production of agricultural, horticultural and forestall products, including, but not limited to sawmill operations.
 - (13) Noise caused by, or arising out of, activities related to repair, maintenance, replacement or alteration of public utility systems or parts thereof, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water and sewer service.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-6. Other enforcement.

- (a) Instead of the criminal enforcement of this chapter, the county may bring a suit seeking injunction, abatement, or other appropriate civil relief to remedy, correct or abate excessive noise.
- (b) Citizens of the county believing that excessive noise exists, which noise constituting a public nuisance exists may utilize the procedure set forth in Code of Virginia, § 48-1, et seq. (1950), as amended, and any other legal civil or criminal remedies that may be available to them.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If the identity of said person cannot be reasonably ascertained, any owner, tenant or resident, who is physically present on the property where the violation is occurring, is rebuttably presumed to be guilty of the violation.

(Ord. No. O-1109-229, 11-23-2009)

Sec. 14-7. Undue hardship variances; waivers.

- (a) Any person responsible for a noise source may apply to the county administrator for a variance or partial variance from the provisions of this chapter. The county administrator may grant such variance or partial variance if he or she finds as follows:
 - (1) The noise does not endanger the public health, safety or welfare; or
 - (2) Compliance with the provisions of this chapter from which the variance is sought would produce serious hardship to the applicant, without producing equal or greater benefit to the public.
- (b) In determining whether to grant such variance, the county administrator shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this chapter, and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community, and the degree of hardship that may result from the enforcement of the provisions of this chapter.
- (c) No variance or partial variance issued pursuant to this chapter shall be granted for a period to exceed one (1) year, but any such variance or partial variance may be renewed for like periods if the county administrator shall find such renewal is justified after again applying the standards set forth in this chapter. No renewal shall be granted except upon application therefore.
- (d) Applications for waivers for noise generated within commercial and industrial zoning districts shall be considered by the county administrator based upon the criteria contained in subsections (a) and (b) above, and upon the extent to which the noise is necessary and incidental to the commercial or industrial use generating the sound. In considering such waivers, the county administrator may, but shall not be required to, impose a time limited on any waiver granted.

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- (e) Decisions of the county administrator may be appealed to the board of supervisors, in writing, within thirty (30) days of the county administrator's decision. Decisions of the county administrator that are not appealed within thirty (30) days are final, and not subject to appeal.

(Ord. No. O-1109-229, 11-23-2009)

Chapter 15 REGULATED OCCUPATIONS

ARTICLE I. IN GENERAL

Secs. 15-1—15-15. Reserved.

ARTICLE II. PAWNBROKERS

Sec. 15-16. Definition.

For the purposes of this article, the term "pawnbroker" shall mean any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or title or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4000.

Sec. 15-17. License required.

No person shall engage in the business of a pawnbroker within the county without having a valid license in accordance with this article.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4001.

Sec. 15-18. Approval of circuit court.

The sheriff shall not issue any pawnbroker's license to a pawnbroker until the county has been duly authorized by the county circuit court to issue such license pursuant to Code of Virginia, § 54.1-4001. Any person seeking a pawnbroker's license shall file a petition with the Circuit Court of Bedford County seeking the court's authorization for the sheriff of the county to issue a pawnbroker's license. Any petition filed with the court shall name the Sheriff of Bedford County as a party to the petition and the petition shall be served upon the County Attorney of Bedford County.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-19. Application; contents.

Any person seeking a pawnbroker's license shall apply to the sheriff on a form to be supplied by the sheriff's office. Such application shall include, at a minimum, the following information on each person acting as a

pawnbroker or his employee, including all members of a partnership or principals in a corporation or other business entity:

- (1) Applicant's full name;
- (2) Applicant's address and telephone number;
- (3) Applicant's date of birth;
- (4) Any and all aliases by which the applicant is or has been known;
- (5) Applicant's sex;
- (6) Applicant's fingerprints;
- (7) Employer, if applicable;
- (8) Employer's address and phone numbers;
- (9) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the commonwealth;
- (10) A recent photograph of applicant;
- (11) Other jurisdictions in which the applicant has applied for or obtained a license to engage in such business;
- (12) Whether applicant has been denied a pawnbroker's license or has had a license revoked under any ordinance similar in substance to the provisions of this article;
- (13) Address of premises where applicant intends to engage in such business within the county.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4001.

Sec. 15-20. Issuance of pawnbroker license.

Each pawnbroker's license application shall be submitted to the sheriff's office, accompanied by a receipt from the treasurer indicating payment of an application fee of two hundred dollars (\$200.00). Licenses shall be valid for a period of two (2) years from the date of issuance, but may be renewed in the same manner as the initial permit is obtained. The fee for renewal shall be one hundred dollars (\$100.00). Before issuance of the license, applicant must provide proof that all other appropriate permits have been obtained. A pawnbroker may conduct the licensed business only from the fixed permanent location as specified in the application for the license.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4001.

Sec. 15-21. Hours of operation.

Business hours are to be displayed in a prominent place on the front of the premises. Should the hours of operation change, the pawnbroker shall notify the sheriff's office of such change.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-22. Grounds for denial by sheriff.

A pawnbroker's license may be denied by the sheriff if the applicant or his employees:

- (1) Has been convicted of larceny, receiving stolen property, embezzlement, fraud and false pretenses or theft;
- (2) Has been convicted of any other felony or crime of moral turpitude within seven (7) years immediately preceding the application;
- (3) Has been denied a similar license or has had a similar license revoked in any other jurisdiction.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-23. Grounds for denial of renewal, suspension, revocation.

Any false statement made in a pawnbroker's license application filed pursuant to section 15-19 of this Code, shall render the license void ab initio. Failure of a licensee or his employees to comply with any other provisions of this article or with any provision of Code of Virginia, § 54.1-4000 et seq. shall be grounds for the sheriff to deny the renewal of a pawnbroker's license or for the sheriff to request the circuit court to revoke or suspend such person's license.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-24. Limitation of pawnbroker licenses.

Not more than five (5) places in the county shall be licensed where the business of a pawnbroker, including a pawnbroker's sales, may be conducted.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-25. Bond or letter of credit.

- (a) No person shall be licensed as a pawnbroker or engage in the business of a pawnbroker without having in existence a bond with surety in the minimum amount of fifty thousand dollars (\$50,000.00) to secure the payment of any judgment recovered under the provisions of subsection (b).
- (b) Any person who recovers a judgment against a licensed pawnbroker for the pawnbroker's misconduct may maintain an action in his own name upon the bond of the pawnbroker if the execution issued upon such judgment is wholly or partially unsatisfied.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4003.

Sec. 15-26. Memorandum to be given pledgor; fee; lost ticket charge.

Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging anything, a memorandum or note, signed by him, containing the information required by section 15-29 of this article. A lost-ticket fee of five dollars (\$5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-27. Sale of goods pawned.

No pawnbroker shall sell any pawn or pledge until: (1) it has been in his possession for the minimum term set forth in the memorandum, but not less than thirty (30) days, plus a grace period of fifteen (15) days; and (2) a statement of ownership is obtained from the pawner. If a motor vehicle is pawned, the owner of the motor vehicle shall comply with the requirements of Code of Virginia, § 46.2-637. In the event of default by the pawner, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-633. Otherwise, the pawnbroker must comply with the requirements of Code of Virginia, § 46.2-636 et seq. All sales of items pursuant to this section may be made by the pawnbroker in the ordinary course of his business.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4005.

Sec. 15-28. Interest chargeable.

- (a) No pawnbroker shall ask, demand or receive a greater rate of interest than ten (10) percent per month on a loan of twenty-five dollars (\$25.00) or less, or seven (7) percent per month on a loan of more than twenty-five dollars (\$25.00) and less than one hundred dollars (\$100.00), or five (5) percent per month on a loan of one hundred dollars (\$100.00) or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.
- (b) An annual percentage rate computed and disclosed under the provisions of the Federal Truth-in-Lending Act, shall not be deemed a violation of this section.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4008.

Sec. 15-29. Records to be kept; credentials of person pawning goods.

- (a) Every pawnbroker shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business. The account shall be recorded at the time of the loan or transaction and shall include:
 - (1) A description, serial number, and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon;
 - (2) The time, date and place of the transaction;
 - (3) The amount of money loaned thereon at the time of pledging the same;
 - (4) The rate of interest to be paid on such loan;
 - (5) The fees charged by the pawnbroker, itemizing each fee charged;
 - (6) The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging the goods, article or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;

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- (7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
 - (8) The terms and conditions of the loan, including the period for which any such loan may be made; and
 - (9) All other facts and circumstances respecting such loan.
- (b) A pawnbroker may maintain at his place of business an electronic record of each transaction involving goods, article or things pawned or pledged or purchased. If maintained electronically, a pawnbroker shall retain the electronic records for at least one (1) year after the date of the transaction and make such electronic record available to any duly authorized law-enforcement officer upon request.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4009.

Sec. 15-30. Daily reports.

- (a) Every pawnbroker shall prepare a daily report of all goods, articles or things pawned or pledged with him that day and shall file such report by noon of the following day with the sheriff. The report shall include the name and residence of the pledgor, driver's license number or other form of identification, and a description of the goods, articles or things pledged, including serial number if available, and shall be in writing and clearly legible to any person inspecting it.
- (b) A pawnbroker may compile and maintain the daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the sheriff through use of a disk, electronic transmission, or any other electronic means of reporting approved by the sheriff.
- (c) For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law enforcement officers required by Code of Virginia, § 54.1-4010, creating and maintaining the electronic records required under this section, and investigating the legal title to such item or paid by the pawnbroker for such item or three dollars (\$3.00), whichever is less. Any person, firm or corporation violating any of the provisions of this article shall be guilty of a class 4 misdemeanor.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4010.

Sec. 15-31. Inspection of records.

Every pawnbroker and every employee of the pawnbroker shall admit to his premises, during regular business hours, the sheriff or his sworn designee, or any law enforcement official of the state or federal government. The pawnbroker or employee shall permit such officer:

- (1) To examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen; and
- (2) Search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. The officer shall not take possession of any article without providing to the pawnbroker a receipt.

(Ord. No. O-0709-126(R), 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4011.

Sec. 15-32. Property pawned not to be disfigured or changed.

No property received on deposit or pledge by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner: (1) so long as it continues in pawn or in the possession of the pawnbroker while in pawn; or (2) in an effort to obtain a serial number or other information for identification purposes.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-33. Care of tangible personal property; evaluation fee.

- (a) Pawnbrokers shall store, care for, and protect all of the tangible personal property in the pawnbroker's possession and protect the property from damage or misuse. Nothing in this chapter shall be construed to mean that pawnbrokers are insurers of pawned property in their possession.
- (b) A pawnbroker may charge a monthly storage fee for any items requiring storage, which fee shall not exceed five (5) percent of the amount loaned on such item.

(Ord. No. O-0709-126(R), 7-13-2009)

Sec. 15-34. Penalties; violation of the Virginia Consumer Protection Act.

- (a) Except as otherwise provided in Code of Virginia, § 54.1-4001, any licensed pawnbroker who violates any of the provisions of this article shall be guilty of a class 4 misdemeanor. In addition, the court may revoke or suspend the pawnbroker's license for second and subsequent offenses.
- (b) Additionally, any violation of the provisions of this article shall constitute a prohibited practice in accordance with Code of Virginia, § 59.1-200, and shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act (Code of Virginia, § 59.1-196 et seq.).

(Ord. No. O-0709-126(R), 7-13-2009)

Secs. 15-35—15-40. Reserved.

ARTICLE III. PRECIOUS METAL DEALERS

DIVISION 1. GENERALLY

Sec. 15-41. Definitions.

For the purposes of this article, the following definitions shall apply:

Coin means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

Dealer means any person, firm, partnership or corporation engaged in the business of:

- (1) Purchasing secondhand precious metals or gems;

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- (2) Removing in any manner, precious metals or gems from manufactured articles not then owned by such person, firm, partnership or corporation; or
 - (3) Buying, acquiring or selling precious metals or gems removed from such manufactured articles. "Dealer" shall mean all employers or principals on whose behalf a purchase is made and any employee or agent who makes any such purchase for or on behalf of his employer or principal.

This definition shall not include persons engaged in the following:

- (1) Purchases of precious metals or gems directly from other dealers, manufacturers or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the provisions of this article.
- (2) Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.
- (3) Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in.
- (4) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.
- (5) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers or dealers or by mail originating outside the commonwealth.
- (6) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

Gems means any item containing precious or semiprecious stones customarily used in jewelry.

Precious metals means any item, except coins, composed in whole or in part of gold, silver, platinum or platinum alloys.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4100.

Sec. 15-42. Article not applicable to sale or purchase of coins.

The provisions of this article shall not apply to the sale or purchase of coins.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4109.

Sec. 15-43. Article not applicable to financial institutions dealing in gold and silver bullion.

The provisions of this article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in the business of buying and selling gold and silver bullion.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4109.

Sec. 15-44. Waiver of article provisions for certain exhibitions and shows.

The sheriff or his designee may waive, by written notice, any provision of this article, except section 15-51, for particular numismatic, gem or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of such exhibitions or shows is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions or shows.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4109.

Sec. 15-45. Violations of article.

Any dealer convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a class 1 misdemeanor.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4110.

Sec. 15-46. Inspection of records required by article and of articles listed in such records.

Every dealer or his employee shall admit to his premises, during regular business hours, the sheriff or his sworn designee, or any law enforcement official of the state or federal government. The dealer or his employee shall permit such officer to:

- (1) Examine all records required by this article and to examine any article listed in a record which is believed by the officer to be missing or stolen; and
- (2) Search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4101.

Sec. 15-47. Bond or letter of credit.

- (a) Every dealer, at the time of obtaining a permit under division 2 of this article, shall enter into a recognizance in favor of the board of supervisors, secured by a corporate surety authorized to do business in the commonwealth, in the penal sum of ten thousand dollars (\$10,000.00) conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued, by a bank authorized to do business in the commonwealth, a letter of credit in favor of the board of supervisors, in the sum of ten thousand dollars (\$10,000.00).
- (b) A single bond upon an employer or principal may be written or a single letter of credit issued under this section to cover all employees and all transactions occurring at a single location.
- (c) If any person shall be aggrieved by the misconduct of any dealer who has violated the provisions of this article, he may maintain an action for recovery in any court of proper jurisdiction against such dealer and his surety; provided that, recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, §§ 54.1-4106, 51.1-4107.

Sec. 15-48. Notice of closing and reopening of business; location of business.

If the business of a dealer holding a permit under this article is not operated without interruption, Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the sheriff of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit under this article.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54-1-4108.

Sec. 15-49. Identification of persons from whom purchases made.

No dealer shall purchase precious metals or gems without first:

- (1) Ascertaining the identity of the seller, by requiring an identification issued by a governmental agency, with a photograph of the seller thereon, and at least one (1) other corroborating means of identification; and
- (2) Obtaining a statement of ownership from the seller.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4102.

Sec. 15-50. Record of purchases.

- (a) Every dealer shall keep, at his place of business, an accurate and legible record of each purchase of precious metals or gems. The record of each such purchase shall be retained by the dealer for not less than twenty-four (24) months. These records shall set forth the following:
 - (1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carat of any gem and the price paid for each item;
 - (2) The date, time and place of receiving the items purchased;
 - (3) The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks;
 - (4) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon; and
 - (5) A statement of ownership from the seller.
- (b) The information required by subsections (a)(1) through (a)(3) above, shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within twenty-four (24) hours of the time of purchase to the sheriff.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54-859.16.

Sec. 15-51. Prohibited purchases.

- (a) No dealer shall purchase precious metals or gems from any person who is under the age of eighteen (18) years.
- (b) No dealer shall purchase precious metals or gems from any person who the dealer believes or has reason to believe, is not the owner of such items, unless such person has written and duly authenticated authorization from the owner permitting and directing such sale.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4101.

Sec. 15-52. Retention of purchases.

- (a) A dealer shall retain all precious metals or gems purchased for a minimum of ten (10) calendar days from the date on which a copy of the bill of sale is received by the sheriff, pursuant to this article. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item, in whole or in part, or remove it from the county.
- (b) If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of ten (10) calendar days after receiving such article and precious metals or gems.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4103.

Sec. 15-53. Record of sales.

Each dealer shall keep and maintain, for at least twenty-four (24) months, an accurate and legible record of the name and address of each person, firm or corporation to which he sells any precious metal or gem in its original form after the waiting period required by this article. This record shall also show the name and address of the person from whom the dealer purchased such item.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4104.

Secs. 15-54—15-60. Reserved.

DIVISION 2. PERMIT

Sec. 15-61. Required.

No person shall engage in the activities of a dealer within the county, unless he has a current permit so to do issued pursuant to this division.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4105.

Sec. 15-62. Application; fee.

Any person desiring a permit required by this division, shall file with the sheriff an application form which shall include the applicant's full name and any aliases and his address, age, date of birth, sex and fingerprints; the name, address and telephone number of the applicant's employer, if any; and the location of the applicant's place of business. Such application shall be accompanied by an application fee of two hundred dollars (\$200.00), which shall be deposited with the county treasurer.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4108.

Sec. 15-63. Applicant's weighing devices to be inspected and approved.

Before a permit required by this division may be issued, the applicant must have all weighing devices used in his business inspected and approved by local and state weights and measures officials and present written evidence of such approval to the sheriff.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4108.

Sec. 15-64. Issuance or denial.

Upon the filing of a proper application for a permit under this division and compliance with the provisions of this division, the applicant shall be issued a permit by the sheriff or his designee, provided the applicant has not been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of the application. Such permit shall be denied, if the applicant has previously been denied a permit or has had a permit revoked under this article or any ordinance of another jurisdiction similar in substance to the provisions of this article.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4108.

Sec. 15-65. Not transferable.

No permit issued under this division shall be transferable.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4108.

Sec. 15-66. Term; renewal.

A permit issued under this division shall be valid for one (1) year from the date issued, unless sooner revoked, and may be renewed in the same manner as such permit was initially obtained, with an annual permit fee of two hundred dollars (\$200.00).

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4108.

Sec. 15-67. Revocation.

Upon the first conviction, by any court, of a dealer for violation of any provision of this article, the sheriff may revoke his permit to engage in business as a dealer under this article for a period of one (1) full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

(Ord. No. O-0709-125, 7-13-2009)

State law reference(s)—Code of Virginia, § 54.1-4110.

Secs. 15-68—15-70. Reserved.

Chapter 16 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 16-1. Chapter title.

This chapter shall be known and may be cited as the Solid Waste Ordinance of Bedford County.
(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-2. Definitions.

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

Asbestos containing material. Any material or product which contains more than one (1) percent by weight asbestos.

Ash. The fly ash, coals or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash. Ash or slag remaining in a combustion unit after combustion.

Construction and demolition debris. Debris from land clearing operations; tree trimmings, tree limbs, logs, stumps, brush, roots or root mat; debris from construction or demolition of any building or structure; metal, wood, masonry, concrete, wire, plumbing materials; debris from land disturbing operations, including but not limited to rock, soil, reinforced concrete, fencing, large volumes or individual pieces of concrete, asphalt, stumps, metal or masonry products.

Container. Any dumpster, can, vessel or other receptacle designated to receive solid waste.

Contaminated soil. For the purposes of this chapter, a soil that, as a result of a release of human usage, has absorbed physical, chemical or radiological substances at concentrations above those consistent with nearby undisturbed soil or natural earth materials.

County. Bedford County.

Department. The Bedford County Department of Solid Waste.

Discarded material. A material which is abandoned by being disposed of, burned or incinerated, or accumulated, stored or treated (but not used, reused or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Fly ash. Ash particulate collected from air pollution attenuation devices on combustion units.

Free liquids. Liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Garbage. Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste. A "hazardous waste" as described by the Virginia Hazardous Waste Regulations (VW 672-10-1), whether or not excluded from those regulations as a hazardous waste.

Ignitable waste.

- (1) Liquids having a flash point of less than 140°F (60°C), as determined by the methods specified in Part III of the Virginia Hazardous Waste Management Regulations;
- (2) Nonliquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or liable, when ignited, to burn so vigorously and persistently as to create a hazard;
- (3) Ignitable compressed gases; and/or oxidizers.

Industrial waste. Any solid waste generated from manufacturing, industrial, or repair processes, or commercial sales, that is not a regulated hazardous waste.

Infectious waste. Solid wastes defined to be infectious by the Infectious Waste Management Regulations (VR 672-40-01), as promulgated by the Virginia Waste Management Board.

Institutional waste. All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste.

Junk. Scrap discard material and ferrous or nonferrous metals including, but not limited to, dismantled, wrecked or junk vehicles, farm machinery, or parts thereof.

Lead acid battery. For the purposes of these regulations, any wet cell battery.

Litter. All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

Noncommercial. Activities performed by residential owners or occupants on and for the residential property thereof.

Open dump. A site on which any solid waste is placed, stored, discharged, deposited, injected, dumped or spilled, so as to present a threat of a release of harmful substances into the environment, or which presents a hazard to human health.

PCB. Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substance (see § 761.3, part 761, Title 40, Code of Federal Regulations).

Permit. Commonwealth of Virginia-issued solid waste management permit, which authorizes the holder of such permit to operate a solid waste management facility.

Person. An individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Recycling. The process of separating a given product or material from the waste stream and processing it so that it may be used again as material input for a product that may or may not be similar to the original product.

Refuse. All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, junk, residues from clean up of spills or contamination, or other discarded materials.

Resource recovery system. A solid waste management system which provides for collection, separation, use, reuse or reclamation of solid wastes, recovery of energy and disposal of nonrecoverable waste residues.

Rubbish. Combustible or slowly putrescible discarded materials which include, but are not limited to, trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage".

Satellite solid waste collection facility. Facilities located in the county for the collection of solid waste to be transported to the county sanitary landfill.

Sanitary landfill. An engineered land burial facility for the disposal of household waste which is so located, designed, constructed and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes in accordance with its solid waste management permit.

Sludge. Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of treated effluent from a wastewater treatment plant.

Solid waste. Discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from any type of activity. For purposes of this chapter, a material is not a solid waste if it is regulated by state or federal statutes or regulations concerning air or water pollution control, or if it is not a regulated solid waste under the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste disposal facility. A solid waste management facility designed for the disposal or incineration of solid waste.

Solid waste hauler. Any person authorized by permit from the county administrator to engage in removing or transporting the solid waste of another for compensation.

Solid waste management facility. A site used for planned treating, storing or disposing of solid waste. A facility may consist of several treatment, storage or disposal units.

Vegetative matter. Debris generated from grass clippings, tree or shrubbery, trimmings, branches, tree limbs, logs, stumps or leaves.

White goods. Any stoves, washers, hot water heaters, other large appliances.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-3. Purpose of chapter.

The purpose of this chapter is to prevent the disposal of solid waste by unsatisfactory methods and to establish ways and means of disposing of solid waste.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-4. Administration of chapter.

The county administrator shall be responsible for administering the provisions of this chapter. The Virginia Department of Environmental Quality, Division of Waste Management, shall have the responsibility of inspecting and advising the administrator in all phases of the program provided for in this chapter.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-5. Permit for hauler.

No person shall engage in the business of collecting and hauling solid waste in the county without first obtaining a permit from the county administrator.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-6. Supervision of haulers.

The county administrator shall supervise the work of solid waste haulers including:

- (1) Checking the adequacy of the collections by the hauler;
- (2) Checking the equipment of the hauler, both as to the type of vehicle, and the proper coverage and containment of waste while being transported; and
- (3) Checking the dumping of all solid waste in the county sanitary landfill.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-7. Establishment of open dump.

No open dump shall be established in the county by any person without the approval of the board of supervisors, after review by the planning commission.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-8. Disposal of waste produced outside county.

No person shall transport into the county, from any point outside the county, any solid waste, for the purpose of destruction or other method of disposal thereof within the county. Should the board of supervisors determine that the transportation of certain solid waste into the county would serve a beneficial purpose which would inure to the best interest of the citizens of the county, and would be for other than mere disposal thereof, the board may grant a special exception to this provision.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-9. Covering of vehicle loads.

No person shall transport any solid waste along any road, street, highway or alley in the county, unless the load is covered by a tarpaulin or other suitable cover securely fastened to the body of the vehicle, and of such size and shape as necessary to contain the entire load. Any solid waste hauler who does not comply with the provisions of this section, in addition to any penalty imposed for violating this section, shall be subject to cancellation of the permit issued under this chapter.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-10. Improper disposal of refuse and litter prohibited.

- (a) *Generally.* It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal as defined in [Code of Virginia,] § 3.2-6500 for the purpose of disposal, or other unsightly matter on public property, including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or on private property without the written consent of the owner or his agent.
- (b) *Arrest.* When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of [Code of Virginia,] § 46.2-936 in making an arrest.
- (c) *Presumption of guilt as to owner of motor vehicle or boat.* When a violation of this section has been observed by any person and the refuse has been disposed of from a motor vehicle or boat. the owner or operator of such motor vehicle or boat shall be presumed to be the person disposing of such matter. provided, the presumption shall be rebuttable by competent evidence.
- (d) *Penalty for violation.* Any person convicted of a violation of this section is guilty of a misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not less than two hundred fifty dollars (\$250.00) or more than two thousand five hundred dollars (\$2,500.00), either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform a mandatory minimum of ten (10) hours of community service in litter abatement activities.
- (e) The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

(Ord. No. O-1109-230, 11-23-2009; Ord. No. O031416-04, 3-14-2016))

Sec. 16-11. Accumulation of refuse on-premises.

- (a) *Generally.* It shall be unlawful for the occupant of any dwelling house, farm, mobile home, business building, store, or any other building or premises to accumulate any solid waste on such premises in such quantities, or in such a manner, or for such a period of time as to constitute a nuisance or so as, by odor or other means, to be injurious to the health, comfort or safety of any other person.
- (b) *Abatement of violation.* Any person violating the provisions of this section shall after receiving notice of the violation, bring the premises into conformance with subsection (a) of this section.
- (c) *Notice of violation.* Notice shall be by letter, stating the manner in which this section is being violated, the description and location of the premises, the name of the owner of the premises, and the period of time within which the premises shall be cleared of the violation. The letter shall be served upon the owner or sent to the owner by certified mail.

(Ord. No. O-1109-230, 11-23-2009)

ARTICLE II. SOLID WASTE DISPOSAL

Sec. 16-12. Solid waste disposal facilities.

- (a) *County sanitary landfill.* Residents, businesses, industries and solid waste collectors, of the county, may dispose of solid waste generated within the county at the county sanitary landfill in conformity with the requirements of this chapter and in accordance with the county's fee schedule.

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- (b) *County satellite solid waste collection facilities.* Residents of the county may dispose of solid waste generated within the county at any county satellite solid waste collection facility, provided such waste conforms to the requirements of this article. It shall be unlawful for businesses and industries to use satellite collection facilities, except for recyclables. It shall be unlawful for any person not living, or owning or leasing property within the county, to deposit any solid waste or other material in any waste container that is a part of the county solid waste collection system.
 - (c) *Containers.* All garbage shall be placed in paper bags, boxes or plastic bags before being placed in any county solid waste containers. Persons using the county's solid waste containers shall place their waste inside said containers so that it does not project outside the container's openings.
 - (1) It shall be unlawful to place any solid waste around, under, or upon any such container.
 - (2) The county administrator may require special preparation of solid waste that causes damage or excessive wear and tear on solid waste disposal equipment or which will present special hazards or problems with storage or disposal.
 - (3) It shall be unlawful for any unauthorized person to take or scavenge items placed in or adjacent to the county's solid waste containers.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-13. Unacceptable solid waste.

- (a) A solid waste is unacceptable for disposal at any sanitary landfill or satellite solid waste collection facility if it is deemed unacceptable under any of the following:
 - (1) The county's sanitary landfill operating permit;
 - (2) Applicable state and federal statutes and regulations concerning solid waste management.
- (b) Whether or not classified as unacceptable in subsection (a) hereinabove, the following types of waste are unacceptable for disposal at the county landfill or any satellite solid waste disposal facility unless otherwise stated:
 - (1) Free liquids and poorly contained liquids that have not been absorbed into solid material.
 - (2) Hazardous waste or untreated bio-medical waste.
 - (3) Solid wastes, residues, or soils containing 1.0 ppb (parts per billion) or more of dioxins.
 - (4) Solid wastes, residues or soils containing PCBs.
 - (5) Unstabilized sewage sludge or sludges that have not been dewatered. Acceptable sludge must be approved by the county administrator in accordance with the applicable permit.
 - (6) Pesticide containers that have not been triple rinsed and crushed.
 - (7) Drums and other bulk containers which have not been emptied, properly cleaned, opened at both ends and crushed.
 - (8) Waste oil that has not been adequately adsorbed in the course of a site cleanup.
 - (9) Contaminated soil unless approved by the county administrator in accordance with the applicable permit.
 - (10) Lead acid batteries.
 - (11) Dangerous materials or substances such as poisons, acids, caustics, infectious materials and explosives.

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- (12) Materials resulting from manufacturing, industrial, commercial or agricultural activities, except at the landfill.
 - (13) Large and bulky materials which may require special preparation, processing, or handling for disposal, such as motor vehicles or parts thereof, and tree trunks and stumps; however, such materials may be accepted at the landfill.
 - (14) Any materials which create an unusually noxious odor such as manure or rotten and unhatched eggs.
 - (15) Ash, bottom ash and fly ash.
 - (16) Infectious waste.
 - (17) Unbagged tree limbs, trunks and brush, except in specifically designated containers therefore, or at the landfill. Designated containers for such rubbish shall only accept brush, trimmed limbs and trimmed branches under six (6) inches in diameter and less than eight (8) feet in length.
 - (18) Asbestos-containing waste material.
 - (19) Industrial waste which has not been approved by the director in accordance with the applicable permit.
 - (20) Institutional waste that contains infectious waste.
 - (21) Ignitable waste.
 - (22) Dead animals, except at the landfill.
 - (23) Any material that would constitute a danger to county employees or county property.
 - (24) White goods, furniture, fixtures and appliances, except at the landfill, or as provided for in specifically designated containers.
 - (25) Tires, except at the landfill.
 - (26) Gas tanks, cylinders and vessels.
 - (27) Any waste generated outside the county.
 - (28) Fencing material of any kind, except at the landfill.
 - (29) Building, construction and remodeling materials, except at the landfill.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-14. Acceptable solid waste.

- (a) Any solid waste that is not classified as unacceptable in section 14-13 is acceptable solid waste.
- (b) The following acceptable solid waste must be separated prior to disposal at the landfill: Construction and demolition debris, vegetative matter, and other recyclables as determined by the county administrator.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-15. Fees.

From time to time the board of supervisors may establish fees to be charged for use of the county landfill by any person, business, hauler or industry. The following are categories for fees; however the board of supervisors reserves the right to alter the categories for fees without amendments to this chapter:

- (1) A fee for disposal of solid waste per ton, except as noted below.

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- (2) County residents will be allowed to dispose of up to one thousand (1,000) pounds of solid waste per month, per household at no charge. If the resident does not weigh out (bypasses the scales) then one thousand (1,000) pounds [charge] shall be assigned to that load.
 - (3) Solid waste transported to the landfill by private haulers or business and industry shall receive a per-ton discount.
 - (4) Tires. There shall be a surcharge (addition to charge by weight) per tire. County residents shall be allowed to dispose of a certain number of tires per household, per year at no charge. Oversize tires are subject to special surcharge rates as determined by cost of disposal; however, no tires with a rim size greater than twenty-two and one-half inches (22.5") shall be accepted for disposal.
 - (5) Mulch. Homeowners, homeowner associations and schools, all located in Bedford County, may purchase mulch at a cost set by the county. A self-loaded pickup truck load may be acquired by the same groups without cost.
 - (6) Public scale. There shall be a charge per weight transaction.
 - (7) Stump disposal. There shall be a fee for stump disposal, per ton, with no discount.

(Ord. No. O-1109-230, 11-23-2009; Ord. No. O-031218-02, 3-12-2018)

Sec. 16-16. Disposal facility operations.

- (a) *Generally.* Acceptable solid waste may be disposed of in the county sanitary landfill or any county satellite solid waste collection facility only during designated hours of operations and in accordance with the internal rules and regulations of the applicable sanitary landfill or satellite facility. All persons offering such solid waste for disposal may be required to submit proof of the origin of such solid waste.
- (b) *Disposal of certain materials.* The following materials shall be disposed of at a special place within the sanitary landfill, at the discretion of the landfill manager or his designated representative:
 - (1) Concrete chunks and large rocks, including inert construction and demolition debris.
 - (2) White goods, including stoves, furnaces and appliances.
 - (3) Metal pipe.
 - (4) Acceptable recyclable material.
 - (5) Tree limbs, trunks and stumps over six (6) inches in diameter which are otherwise acceptable under this chapter.
 - (6) Construction and demolition wood materials.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-17. Solid waste deemed property of county.

All acceptable solid waste disposed of under this article is the property of the county. No person shall separate, collect, carry off or otherwise handle such solid waste without the written authorization of the county administrator.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-18. County not responsible for loss of valuables.

The county will not be held responsible for the loss of any valuables which may be inadvertently lost within solid waste disposed of under this article. However, the county will cooperate with the owner and use reasonable efforts to locate such valuables and restore them to the rightful owner.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-19. Violations.

- (a) Any person who violates any provision of this chapter, upon such finding by an appropriate circuit court, shall be assessed a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) for each day of such violation. Each day of violation of each requirement shall constitute a separate offense.
- (b) In addition to the penalties provided above, any person who violates any provision of this article shall be guilty of a class 1 misdemeanor, unless a different penalty is specified.
- (c) Any person who knowingly makes any false statement, representation or certification regarding the origin of any waste disposed of under this article, shall be guilty of a class 1 misdemeanor and shall be subject to suspension from the use of the landfill and collection center for a period of time not to exceed one (1) year.
- (d) The county shall be entitled to an award of reasonable attorney's fees and cost in any action brought under this article which it substantially prevails on the merits of the case, unless special circumstances would make an award unjust.
- (e) Violations of sections 16-8, 16-9 and 16-13, may be punishable by a fine in the amount of two hundred fifty dollars (\$250.00), if paid within ten (10) days; or five hundred dollars (\$500.00), if not paid within ten (10) days. Nothing in this Section 16.9 shall prevent prosecution of the offenses as Class 1 misdemeanors for aggravated offenses.
- (f) The department shall prepare an appropriate ticket and ticket stub for use in enforcing the provisions of this section. Any law enforcement officer charged with enforcing this section shall issue to the offender a ticket. The ticket stub shall be turned in to the Bedford County General District Clerk's Office. The ticket and stub shall have corresponding numbers. The ticket shall contain the following statement:

NOTICE: You may pay this by appearing at the Bedford County General District Court, 123 East Main Street, Bedford, Virginia between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you prefer, you may mail the ticket and fine to the aforementioned office at 123 East Main Street, Bedford, Virginia 24523. Checks should be payable to the Bedford County General District Court Clerk. If you fail to pay this ticket with ten (10) days, then further action will be taken which could result in you having to appear in court and paying additional costs.

- (1) In lieu of payment of the fine, such person may contest the ticket, by notifying the Clerk of the General District Court of Bedford County.
- (2) If the ticketed person does not pay the fine to the Bedford County General District Court Clerk, the clerk shall notify such persons that he may pay the fine, plus a penalty in the sum of ten dollars (\$10.00), within five (5) days of the receipt of the notice, at the clerk's office.
- (3) If a person to whom the notice provided for in subsection (a) above, is given fails to pay the fine and penalty within the time prescribed in the notice, the clerk shall notify the officer who issued the original ticket and the clerk shall then cause to be issued a complaint, summons or warrant for the delinquent ticket. The person in question may pay the fine to the clerk prior to the date he is to appear in court,

provided he also pays necessary costs and the penalty. The clerk's receipt shall be conclusive evidence of such payment.

(Ord. No. O-1109-230, 11-23-2009; Ord. No. O092319-06, 9-23-2019, eff. 1-1-2020; O112221-06, 11-22-2021)

Sec. 16-20. Validity.

- (a) All articles or parts of articles in conflict herewith are hereby repealed.
- (b) The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(Ord. No. O-1109-230, 11-23-2009)

Sec. 16-21. Authority to promulgate rules and regulations.

The county administrator may promulgate such rules and regulations as are necessary to govern solid waste disposal within the purposes of this chapter. The rules and regulations so promulgated shall have the force and effect of law, and may be amended, altered or repealed by the county administrator as is appropriate. A copy of the current rules and regulations shall be posted in a conspicuous place at the county's disposal facilities.

(Ord. No. O-1109-230, 11-23-2009)

Chapter 17 TAXATION

ARTICLE I. IN GENERAL

Sec. 17-1. Annual tax levies not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance providing for an annual tax levy, including, but not limited to, real estate taxes and taxes on tangible personal property, machinery and tools and merchant's capital, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-2. Due date for taxes on real estate, tangible personal property, machinery and tools and merchants' capital; penalty and interest on delinquencies.

Taxes due and owing to the county, assessed for any year on tangible personal property, machinery and tools and merchant's capital, shall be due and payable on or before the fifth day of December of the year the tax is assessed. On all such taxes remaining unpaid after that date there shall be added a penalty of ten (10) percent of the taxes due or ten dollars (\$10.00), whichever is greater, which penalty shall become a part of such tax, and interest thereon at the rate of ten (10) percent per annum, which interest shall commence on the following first day of January and continue until paid.

Taxes due and owing to the county, assessed for any year on real estate, shall be due and payable in equal installments on the fifth day of June and the fifth day of December of the year the tax is assessed. On all such taxes remaining unpaid on the day after such tax due date there shall be added a penalty of ten (10) percent of the installment then due or ten dollars (\$10.00), whichever is greater, which penalty shall become a part of such tax; together with interest thereon at a rate of ten (10) percent per annum, which interest shall begin on the first day of the month next following the due date (either July 1 or January 1).

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above section, Code of Virginia, § 58.1-3916.

Sec. 17-3. Tax refund by commissioner of revenue.

If the commissioner of the revenue certifies that an assessment is erroneous and the amount of the refund does not exceed five thousand dollars (\$5,000.00), the treasurer is authorized to approve and issue a refund without the consent of the county attorney and without the approval of the board of supervisors.

(Ord. No. O1210-164, 12-10-2012; O121222-04, 12-12-2022)

State law reference(s)—Correction of erroneous assessment, Code of Virginia, § 58.1-3981.

Sec. 17-4. Administrative fee and attorney's fees.

The treasurer may impose upon each person chargeable with delinquent taxes or delinquent charges, fees to cover the administrative cost and reasonable attorney's or collection agency fees actually contracted for. The attorney's fee or collection agency fee shall not exceed twenty (20) percent of the taxes or other charges so collected.

Administrative costs charged by the treasurer shall be thirty dollars (\$30.00) for taxes and other charges collected subsequent to filing a warrant or other appropriate legal documents, but prior to judgment. The fees shall be thirty-five dollars (\$35.00) for taxes and other charges collected subsequent to judgment. The administrative fee shall be in an addition to all penalties and interest. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative cost shall be one hundred fifty dollars (\$150.00) or twenty-five (25) percent of the cost, whichever is less; however, in no event shall the fee be less than twenty-five dollars (\$25.00).

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3958.

Secs. 17-5—17-14. Reserved.

ARTICLE II. PERSONAL PROPERTY TAX

DIVISION 1. IN GENERAL

Sec. 17-15. Personal property tax on motor vehicles and trailers; proration thereof.

- (a) There shall be a personal property tax at a rate established each year by the board of supervisors on motor vehicles and trailers, (excluding however, boat trailers; hereafter referred to in this section as "taxable property") which have a situs within the county on January 1 of each year and which acquire a situs within the county on or after January 2 of each year. When taxable property acquires a situs within the county on or after January 2, the personal property tax for that year shall be assessed to the owner prorated on a monthly basis for the portion of the tax year during which the taxable property has situs within the county. When taxable property with a situs in the county is transferred to a new owner within the county, the personal property tax shall be assessed to the new owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of proration, a period of more than one-half month shall be counted as a full month and a period of less than one-half month shall not be counted. All taxable property shall be assessed as of January 1 of each year or, if it acquires situs or has its title transferred after January 1, as of the first day of the month in which the taxable property acquires situs within the county or has its title transferred. The owner of taxable property acquiring situs within the county or to whom taxable property is transferred shall file a declaration of property ownership to the commissioner of revenue within thirty (30) days of the date on which such property acquires a situs within the county or has its title transferred to such owner.
- (b) When any taxable property loses its situs within the county or its title is transferred to a new owner, the taxpayer shall from that time be relieved from personal property tax on such property and receive a refund of personal property tax already paid, or a credit against personal property taxes outstanding against the taxpayer, at the option of the taxpayer during same tax year, on a monthly prorated basis, upon application to

the commissioner of revenue; provided, that application is made within one (1) year from the last day of the tax year which the taxable property lost situs or had its title transferred.

- (c) Any person who fails to pay personal property taxes on or before the date due shall incur a penalty of ten (10) percent of the tax due, or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. Such sum shall become part of the taxes due. Interest at the rate of ten (10) percent per annum from the first day of January shall be paid upon the principal and penalties of such taxes remaining unpaid.
- (d) An exemption from this tax and any penalties arising therefrom shall be granted for any tax share or portion thereof during which the property was legally assessed by another jurisdiction and proof is presented to the commissioner of revenue indicating that such tax on the assessed property was paid.
- (e) The commissioner of revenue will use the file by exception method for each fiduciary mentioned in this section as per Code of Virginia, § 58.1-3518.1, as amended.

(Ord. No. O1210-164, 12-10-2012)

DIVISION 2. PERSONAL PROPERTY TAX RELIEF

Sec. 17-16. Purpose; definitions; relation to other ordinances.

- (a) The purpose of this division 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 division that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Code of Virginia, § 58.1-3523, as amended.
- (c) To the extent that the provisions of this division conflict with any prior ordinance or provision of the county, this division shall control.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-17. 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 by ordinance set the rate of tax relief at such level that it is anticipated to fully exhaust PPTRA relief funds provided to the county by the commonwealth. Any amount of PPTRA relief not used within 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. The board shall, as part of the annual budget adopted pursuant to Code of Virginia, tit. 15.2, ch. 25, 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 within 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.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-18. 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 one thousand dollars (\$1,000.00) or less.
- (c) Relief with respect to qualifying vehicles with assessed values of more than one thousand dollars (\$1,000.00) shall be provided at a rate, annually fixed in the county budget and applied to the first twenty thousand dollars (\$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 for the county.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-19. Transitional provisions.

- (a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the county treasurer is authorized to issue a supplemental personal property tax bill, in the amount of one hundred (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) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in section 17-4 from the original due date of the tax.

(Ord. No. O1210-164, 12-10-2012)

DIVISION 3. MISCELLANEOUS EXEMPTIONS

Sec. 17-20. Exemption of household goods and personal effects.

- (a) The following household goods and personal effects shall be exempt from taxation as personal property or otherwise:
 - (1) Bicycles.
 - (2) Antique motor vehicles.
 - (3) All-terrain vehicles and off-road motorcycles.
 - (4) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
 - (5) Pianos, organs, phonographs and record players, and records to be used therewith, and all other musical instruments of whatever kind, radio and television instruments and equipment.
 - (6) Oil paintings, pictures, statuary, curios, articles of virtue and works of art.
 - (7) Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

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- (8) Sporting and photographic equipment.
 - (9) Clothing and objects of apparel.
 - (10) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
- (b) The classification above set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above section, Code of Virginia, § 58.1-3504.

Sec. 17-21. Exemption of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment.

- (a) Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products as defined in § [3.2-6400](#), Code of Virginia, 1950 as amended, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:
1. Horses, mules and other kindred animals.
 2. Cattle.
 3. Sheep and goats.
 4. Hogs.
 5. Poultry.
 6. Grains and other feeds used for the nurture of farm animals.
 7. Grain; tobacco; wine produced by farm wineries as defined in § [4.1-100](#), Code of Virginia, 1950as amended, and other agricultural products, as defined in § [3.2-6400](#), Code of Virginia, 1950 as amended in the hands of a producer.
 8. Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include (i) equipment and machinery used by farm wineries as defined in § [4.1-100](#), Code of Virginia, 1950 as amended, in the production of wine; (ii) equipment and machinery used by a nursery as defined in § [3.2-3800](#), Code of Virginia, 1950 as amended, for the production of horticultural products; and (iii) any farm tractor as defined in § [46.100](#), Code of Virginia, 1950 as amended, regardless of whether such farm tractor is used exclusively for agricultural purposes.
 9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.
 10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.

11. Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8 and 10, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

(Ord. No. O1210-164, 12-10-2012, O121420-8, 12-14-2020)

DIVISION 4. EXEMPTION FOR POLLUTION CONTROL AND RENEWABLE ENERGY EQUIPMENT

Sec. 17-23. Certified pollution control equipment and facilities exempt from local personal property taxation.

Certified pollution control equipment and facilities as defined in Code of Virginia, Tit. 58.1, Ch. 36, Art. 5, § 58.1-3660 et seq., are declared to be a separate class of personal property and shall constitute a classification for local taxation separate from other classifications of personal property, and shall be exempt from local taxation.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-24. Recycling equipment, facilities or devices partially exempt from local personal property taxation.

Certified recycling equipment, facilities or devices as defined in Code of Virginia, Tit. 58.1, Ch. 36, Art. 5, § 58.1-3660 et seq., are declared to be a separate class of personal property and shall constitute a classification for local taxation separate from other classifications of personal property.

The Board of Supervisors of Bedford County, Virginia, hereby partially exempts said property from local taxation in the following manner: Upon receipt of the certificate from the division of waste management of the department of environmental quality, the commissioner of revenue shall proceed to determine the value of such certified recycling equipment, facilities or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting thirty (30) percent of such amount from the total personal property tax due on the property. The exemption shall be first effective when such personal property is first assessed, but not prior to the date of such application for exemption.

(Ord. No. O1210-164, 12-10-2012)

DIVISION 5. EXEMPTION FOR DISABLED VETERANS

Sec. 17-25. Tangible personal property tax relief for disabled veterans for one primary vehicle.

- (a) Pursuant to Code of Virginia, § 58.1-3506(A)(19), as amended from time to time, one motor vehicle owned by a disabled veteran (or leased by such veteran, if obligated by terms of such lease to pay tangible personal property tax), which is regularly used by such veteran, shall be exempt.
- (b) A person is a qualifying disabled veteran if the veteran has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. For purposes of this section, a veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with

corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty (20) degrees in the better eye, pursuant to Code of Virginia § 46.2-100, as amended from time to time.

- (c) Each disabled veteran shall provide the commissioner of the revenue with a certification of total disability in accordance with Code of Virginia, § 58.1-3506, as amended from time to time, and a personal certification that said disabled veteran regularly used the qualifying motor vehicle during the previous calendar year. The certification must include the vehicle identification number of the motor vehicle for which the tangible personal property tax relief is sought.

(Ord. No. O080819-09, 8-8-2016; O112221-09, 11-22-2021)

Secs. 17-26—17-30. Reserved.

ARTICLE III. REAL ESTATE TAXATION

DIVISION 1. PROPERTY EXEMPT FROM TAXATION BY CLASSIFICATION OR DESIGNATION

Sec. 17-31. Exempt property.

Real and personal property, exempted from taxation by Article X, Section 6 of the Constitution of Virginia, by Code of Virginia, Tit. 58.1, Ch. 36, Arts. 1—4, or by acts of the General Assembly, shall be exempt from county real and personal property taxes, provided that the entity which owns the property operates for the purposes described by the applicable constitutional and statutory provisions or is specifically designated as a qualifying entity, and that the property is used for qualifying purposes and otherwise complies with applicable laws pertaining to exempt property.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-32. Specific exemptions.

- (a) Real and personal property exempt from taxation shall include the following:
- (1) Property owned directly or indirectly by the commonwealth, or any political subdivision thereof.
 - (2) Buildings with land they actually occupy, and the furniture and furnishings therein owned by churches or religious bodies, including an incorporated church or religious body, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such building.
 - (3) Nonprofit private or public burying grounds or cemeteries.
 - (4) Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph shall apply only to

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- property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.
- (5) Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).
 - (6) Parks or playgrounds held by trustees for the perpetual use of the general public.
 - (7) Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable, and which is used by said organization exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
 - (8) Property of any nonprofit corporation organized to establish and maintain a museum.
- (b) The real and personal property of an organization classified or designated as exempt pursuant to the Code of Virginia,, Tit. 58.1, Ch. 36, Arts. 2, 3, and 4, and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6(a)(6) of the Constitution of Virginia, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization was classified or designated.
- (c) In determining whether or not to grant any request for a tax exemption, the following criteria shall be considered:
- (1) Whether the services provided by the organization are services the county would provide if the requesting party did not do so;
 - (2) Whether the organization meets a general public need for which the benefits derived by the community at large are equal to, or exceed, the county's loss in revenue from taxes on the entities real and/or personal property;
 - (3) The revenue impact to the county and its taxpayers of exempting the property;
 - (4) Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
 - (5) Whether the organization provides services for the common good of the public;
 - (6) 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; and
 - (7) 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 ("donations" to include the providing of personal services or the contribution of in-kind or other material services).
- (d) Property which was exempt from taxation on December 31, 2002, shall continue to be exempt from taxation under the rules of statutory construction applicable to exempt property at the time such property became entitled to exemption.
- (e) Exemptions of property from taxation granted under this section on or after January 1, 2003 shall be strictly construed in accordance with Article X, Section 6(f) of the Constitution of Virginia.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-33. Property exempt from taxation by designation.

Property not granted tax-exempt status prior to January 1, 2003 can be granted tax-exempt status by designation only by the adoption of an ordinance by the board of supervisors granting the exemption. The adoption of such an ordinance shall be pursuant to the provisions of Code of Virginia, Tit. 58.1, Ch. 36, Art. 4.1, applicable to the exemption of property from taxation by designation.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-34. Interpretation and administration.

Provisions of this article shall be interpreted and administered in accordance with the Virginia Constitution and applicable statutes. In the event of conflict between these provisions and constitutional or statutory provisions, administration of property tax exemptions and related interpretations shall be governed by the constitution and statutes.

(Ord. No. O1210-164, 12-10-2012)

*DIVISION 2. ASSESSMENT OF REAL ESTATE DEVOTED TO AGRICULTURAL,
HORTICULTURAL, OR FOREST USES³*

Sec. 17-35. Findings of fact.

The board of supervisors finds that the preservation of real estate devoted to agricultural, horticultural, or forest within the county 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 Code of Virginia, Tit 58.1, Ch. 15, Art. 1.1 (§ 58.1-3229 et seq.), and of this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-36. Application for classification and assessment generally.

- (a) The owner of any real estate meeting the criteria set forth in Code of Virginia, §§ 58.1-3230 and 58.1-3233 may, on or before November 1 of any year, make an application to the commissioner of revenue for the classification, assessment and taxation of such property for the next succeeding year on the basis of its use, under the procedures set forth in Code of Virginia, § 58.1-3233. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of revenue and shall include such schedules, photographs and drawings as may be required by the commissioner of revenue. Applications shall be filed on or before November 1 of each year, if special assessment is desired to be continued. However, upon the payment of a late filing fee at the rate of fifty dollars (\$50.00) per individual owner, an owner may file an application within no more than sixty (60) days after the filing deadline specified herein.

³State law reference(s)—Authority of county to adopt ordinance from which this article is derived, Code of Virginia, § 58.1-3231.

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- (b) In any year in which a general reassessment is being made, a property owner may submit the application provided for in this section by November 1 or within thirty (30) days of the mailing of his notice of increase in assessment, whichever is later.
 - (c) A separate application shall be filed under this section for each parcel on the land book. An application shall also be submitted whenever the use or acreage of land previously approved changes.
 - (d) An application fee of fifteen dollars (\$15.00) per individual owner, shall be paid to the treasurer of the county for each application filed under this section. Upon the payment of such application fee, together with the payment of a late filing fee to the treasurer, of fifty dollars (\$50.00), an owner may file a late application within no more than sixty (60) days after the filing deadline specified in this section. No late fee will be charged for applications made between November 1 and December 31 of any given year. These fees may be changed from time to time by resolution of the board of supervisors.

(Ord. No. O1210-164, 12-10-2012; O121222-04, 12-12-2022)

Sec. 17-37. Revalidation of previously approved applications.

Any previously approved application filed under section 17-36 shall be revalidated biennially. The owner shall, on or before December 5 of any even year, file a request for revalidation of his application on forms provided by the commissioner of revenue. There shall be a revalidation fee of fifteen dollars (\$15.00) per individual owner, which fee shall be charged for revalidation for the 1983 tax year and at six-year intervals thereafter, and which shall be paid to the treasurer of the county. However, upon the payment of a late filing fee to the treasurer, fifty dollars (\$50.00), an owner may file a late revalidation request after December 5, but prior to December 31. For the years in which a revalidation fee is due, this late filing fee shall be in addition to the revalidation fee. These fees may be changed from time to time by resolution of the board of supervisors.

(Ord. No. O1210-164, 12-10-2012; O121222-04, 12-12-2022)

Sec. 17-38. Determinations by commissioner of revenue.

- (a) Promptly upon receipt of any application under this article, the commissioner of revenue shall determine whether the subject property meets the criteria for use value assessment and taxation under this article, subject to the provisions of the Code of Virginia, §§ 58.1-3230 and 58.1-3233. If the commissioner of revenue determines that the subject property does not meet such criteria, the commissioner shall determine the value of such property for its qualifying use as well as its fair market value.
- (b) Minimum acreage requirements:
 - (1) Real estate devoted to agricultural or horticultural use shall consist of a minimum of five (5) acres.
 - (2) Real estate devoted to forest use shall consist of a minimum of twenty (20) acres.
 - (3) The foregoing requirements for minimum acreage shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots titled in the same ownership. For purposes of this section, properties separated only by a public right-of-way are considered contiguous.
- (c) If the commissioner of revenue determines that the property does meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value. If the commissioner of revenue determines that the property does not meet such criteria, he shall deny the application and notify the applicant of the denial in writing.

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- (d) In determining whether the subject property meets the criteria for "agricultural use" or "horticultural use" the commissioner of revenue may request an opinion from the commissioner of agricultural and consumer services; in determining whether the subject property meets the criteria for "forest use", he may request, an opinion from the state forester. Upon the refusal of the commissioner of agriculture and consumer services, the state forester or the director of the department of conservation and 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 the Circuit Court of Bedford County. 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.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-39. Land book entries; tax to be extended from use value.

The use value and fair market value of any property qualifying under this article shall be placed on the land book before delivery to the county treasurer and the tax for the next succeeding tax year shall be extended from the use value.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-40. Roll-back tax when use changes to nonqualifying use.

- (a) There is hereby imposed a roll-back tax and interest thereon, in such amounts as may be determined under Code of Virginia, § 58.1-3237, upon any property as to which the use changes to a nonqualifying use under this article.
- (b) The owner of any real estate liable for roll-back taxes shall report to the commissioner of revenue, on forms to be prescribed, any change in the use of such property to a nonqualifying use and shall pay the roll-back tax then due. On failure to report and pay within sixty (60) days following such change in use, such owner shall be liable for an additional penalty equal to ten (10) percent of the amount of the roll-back 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 one-half percent of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure continues.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-41. Misstatements in application filed under article.

Any person making a material misstatement of fact in any application filed pursuant to this article 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 county, together with interest and penalties thereon, and the owner shall be further assessed with an additional penalty of one hundred (100) percent of such unpaid taxes.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-42. Applicability of general tax law.

The provisions of Code of Virginia, Tit. 58.1, applicable to local levies and real estate assessment and taxation shall be applicable to assessments and taxation under this article mutatis mutandis including, without limitation, provisions relating to tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

(Ord. No. O1210-164, 12-10-2012)

Secs. 17-43—17-50. Reserved.

DIVISION 3. REAL ESTATE TAX EXEMPTION FOR CERTAIN SENIORS AND DISABLED PERSONS

Sec. 17-51. Granted; administration.

The following tax exemptions for real estate and manufactured homes, as defined in Code of Virginia, § 36-85.3, shall be granted unto persons not less than sixty-five (65) years of age and to persons permanently and totally disabled, who own and occupy said real estate as their sole dwelling, on the following terms and conditions, and subject to the restrictions set forth in this article.

The provisions of this article shall be administered by the Commissioner of Revenue of the County of Bedford, Virginia, according to the terms, conditions, and restrictions set forth herein, and said commissioner is hereby authorized and empowered to prescribe, adopt and enforce rules and regulations, for the administration of this article.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3210.

Sec. 17-52. Basis for qualifying for exemption; cap on exemption.

Said real estate tax exemption will be granted to persons qualifying on the following basis:

- (1) Exemptions granted under this article from real estate taxes shall be on a qualifying dwelling and land not exceeding one (1) acre.
- (2) Subject to subsection (3) of this section, the total combined income received from all sources during the preceding calendar year by: (1) owners of the dwelling who use it as their principal residence; and (2) owners' relatives who live in the dwelling, shall not exceed fifty thousand dollars (\$50,000.00). Any amount up to five thousand dollars (\$5,000.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption shall be excluded from the total combined income calculation.
- (3) Notwithstanding subsection (2) of this section, if a person has already qualified for an exemption under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the relative's income shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ten thousand dollars (\$10,000.00) without adequate consideration within a three-year period prior to or after the relative moves into such residence.
- (4) The net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding

the value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated shall not exceed one hundred fifty thousand dollars (\$150,000.00). Also excluded shall be furnishings; such furnishings shall include furniture, household appliances and other items typically used in a home.

(5) Notwithstanding the above provisions, any tax exemption is limited to one thousand dollars (\$1,000.00).

(Ord. No. O1210-164, 12-10-2012; O 121123-05, 12-11-2023)

State law reference(s)—Code of Virginia, § 58.1-3211.

Sec. 17-53. Application.

- (a) A person claiming such exemption shall file annually with the commissioner of revenue not later than the twenty-eighth day of February of each year an affidavit setting forth: (i) the names of the related persons occupying such real estate; and (ii) that the total combined net worth, including equitable interests and the combined income from all sources, of the persons specified in subsection 17-52(1) do not exceed the limits prescribed in this article.
- (b) If such person is under sixty-five (65) years of age such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors who are either licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in section 17-57; however, a certification pursuant to U.S.C. 423(d) by the Social Security Administration, so long as the person remains eligible for such Social Security benefits, shall be deemed to satisfy such definition in section 17-57. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in section 17-57.
- (c) The commissioner of revenue shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in section 17-57. The commissioner of revenue may, in addition, require the production of certified tax returns or any other records to establish the income or financial worth of any applicant for tax relief or deferral.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3213.

Sec. 17-54. Notice.

The treasurer shall enclose written notice, in each real estate tax bill, of the terms and conditions contained herein. The treasurer shall also employ any other reasonable means necessary to notify residents of the county about the terms and conditions of the real estate tax exemption for elderly and handicapped residents of the county.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3213.1.

Sec. 17-55. Absence from residence.

The fact that persons who are otherwise qualified for tax exemption are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3214.

Sec. 17-56. Effective date; change in circumstances.

An exemption shall be granted for any calendar year following the date that the qualifying individual occupying such dwelling and owning title or partial title thereto reaches the age of sixty-five (65) years or for any year following the date the disability occurred. Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the remainder of the current taxable year and the taxable year immediately following.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3215.

Sec. 17-57. Permanently and totally disabled.

For purposes of this article, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Code of Virginia, § 58.1-3217.

Sec. 17-58. Tax exemption.

Irrespective of the amount of the real estate tax, the amount of taxation that is exempt from taxation is limited to one thousand dollars (\$1,000.00).

(Ord. No. O1210-164, 12-10-2012)

DIVISION 4. ENTERPRISE ZONE EXEMPTION FOR CERTAIN REAL ESTATE

Sec. 17-59 Definitions.

Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection unless another meaning shall appear clearly from the context:

Enterprise zone means an area of the County of Bedford (whether or not located within the boundaries of the Town of Bedford) designated as an Enterprise Zone under the provisions of chapter 49 of Title 59.1 of the Code of Virginia, 1950, as amended.

Mixed-use means the use of a building partially for residential use in which a minimum of thirty (30) percent of the usable floor space is devoted to commercial, office, or industrial use.

Owner means the person or entity in whose name the structure is titled or lessee who is legally obligated to pay real estate taxes assessed against the structure.

Qualified real property investment means the amount properly chargeable to a capital account for rehabilitation, renovation, expansion of depreciable real property associated with (a) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building for commercial, industrial or mixed-use; (b) excavations; (c) grading and paving; (d) installing driveways; and (e) landscaping or land improvements. Qualified real property investments shall include, but not be limited to, costs associated with demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows, fire suppression systems, roofing, flashing, exterior repair, cleaning and cleanup.

Qualified real property investments shall not include:

- (1) The cost of acquiring any real property or building.
- (2) Other costs including: (i) the cost of furnishings; (ii) any expenditure associated with appraisal, interior design fees; (iii) loan fees, points, or capitalized interests; (iv) legal, accounting, realtor, sales and marketing, or other professional fees; (v) closing costs, permits, user fees, zoning fees, impact fees, and inspection fees; (vi) bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities incurred during construction; (vii) utility connection or access fees; (viii) outbuildings; (ix) cost of any well or septic or sewer system; (x) roads; and (xi) architectural, engineering and surveying fees.
- (3) The basis of any property: (i) for which a grant under this section was previously provided; (ii) for which a tax credit under § 59.1-280.1 was previously granted; (iii) which was previously placed in service in Virginia by the qualified zone investor, a related party as defined by Internal Revenue Code § 267(b), or a trade or business under common control as defined by Internal Revenue Code § 52(b); or (iv) which was previously in service in Virginia and has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom it was acquired or Internal Revenue Code § 1014(a).

Substantial rehabilitation or renovation shall mean expenditure of a minimum of five thousand dollars (\$5,000.00) in qualified real property investment. Complete replacement of a commercial or industrial building by demolition and replacement for commercial or industrial or mixed-use may qualify as rehabilitation or renovation. When rehabilitation or renovation is achieved through demolition and replacement of an existing structure, the exemption shall not apply when any structure demolished is a registered Virginia landmark, contributes to the significance of a registered landmark, or if the rehabilitation or renovation is located in the Main Street Centertown District. Strictly cosmetic work, which does not contribute to the structural integrity or architectural character of the structure, is not included in the term.

(Ord. No. 0010917-07, 1-9-2017)

Sec. 17-60. Grant of exemption.

A partial exemption from the County of Bedford real estate taxation is hereby granted for any real estate within the county on which any structure or other improvement has undergone substantial rehabilitation or renovation for commercial, industrial, or mixed-use purposes, subject to the following conditions:

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- (1) The real estate structure is located in an Enterprise Zone in the County of Bedford (including structures located within an Enterprise Zone in the Town of Bedford) and shall be no less than fifteen (15) years old.
 - (2) The structure or other improvements must have been substantially rehabilitated.

(Ord. No. 0010917-07, 1-9-2017)

Sec. 17-61. Amount of exemption.

The partial exemption granted by this section shall be in an amount equal to fifty (50) percent of the qualified real property investment as determined by the commissioner of revenue or in an amount equal to the increase in assessed value resulting from the rehabilitation or renovation, whichever is greater. The exemption shall commence on January 1 of the tax year following completion of the rehabilitation or renovation and shall run with the real estate for a period of no longer than five (5) years, unless terminated earlier pursuant to provisions of this section. The exemption shall run with the land, and the owner of the real estate during each of the years of the exemption shall be entitled to the amount of the exemption. The exemption provided by this section shall not apply to the assessed value of the land, but only to the assessed value of improvements as assessed after the completion of rehabilitation or renovation.

(Ord. No. 0010917-07, 1-9-2017)

Sec. 17-62. Eligibility requirements.

- (1) An application to qualify a structure as a substantially rehabilitated or renovated commercial, industrial, or mixed use structure must be filed with the commissioner of revenue. Applications may be obtained from the county administrator's office. The commissioner of the revenue may accept copies of applications for exemption and related documents filed with the Town of Bedford Finance Director.
- (2) Upon receipt of an application for rehabilitated or renovated real estate tax exemption, the commissioner of revenue shall cause a physical inspection of the structure to be made. The base value for purposes of the application shall be the assessed value as of the date of the application.
- (3) The application to qualify shall be effective for a period of two (2) years from the date of filing. No extensions of this time period will be granted.
- (4) Upon completion of the rehabilitation or renovation the owner of the property shall notify the commissioner of revenue in writing and provide proof of the amount of qualified real property investment expended within the two (2) year period from the date of filing. The commissioner of the revenue shall cause an after rehabilitation or renovation assessment to be conducted.
- (5) Upon review of the assessments and the amount of qualified real property investment, if the commissioner of revenue determines that the property has been substantially rehabilitated or renovated pursuant to the terms of this section, the commissioner of revenue shall order exemption from tax on the real property in the amount provided in section 17-61 herein for five (5) years. During each year of exemption, the commissioner of revenue annually shall issue a credit memorandum for such exemption to the county treasurer. Nothing in this section shall be construed so as to permit the commissioner of the revenue to list upon the Land Book any reduced value due to the exemption provided in this section.
- (6) Prior to a determination that the property has been substantially rehabilitated or renovated, the owner of the property shall continue to be subject to taxation upon the full value of the property, as otherwise authorized by law.

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- (7) No improvements made upon vacant land shall be eligible for rehabilitated or renovated real estate tax exemption as provided by this section.
 - (8) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the commissioner of the revenue has verified that the rehabilitation or renovation indicated on the application has been completed.
 - (9) There shall be no fee for processing applications under this section.
 - (10) The property must at all times be in compliance with Bedford County codes including, without limitation, the building code, the county zoning ordinance and all other codes that relate to the real estate within the County of Bedford (and Town of Bedford, as applicable). Failure to correct any violation within the required time, as provided by the building or property maintenance official, will void the remainder of the exemption. If a structure is damaged or destroyed and found to be uninhabitable, the exemption will be terminated.
 - (11) No exemption shall be granted if access to the property is denied to the county and county inspection divisions (and those of the Town of Bedford, as applicable).
 - (12) All taxes must be paid and current to be eligible for an exemption. If the commissioner of revenue is notified that the property is more than thirty (30) days delinquent on taxes (whether county, town, or both), then the remainder of the exemption will be void.
 - (13) Only one rehabilitation or renovation exemption granted by the county under this division may be active for a parcel at a given time; provided, however, that the owner may elect not to claim the entire five (5) year partial exemption and file a new application for an additional five (5) year partial exemption under the above provisions based upon the assessed value at the time of the new application and a new rehabilitation or renovation assessment upon completion of the improvements.
 - (14) The applicant must be in compliance with all county taxes and performance agreement obligations to qualify or remain qualified for a partial exemption from real estate taxation.

(Ord. No. 0010917-07, 1-9-2017)

DIVISION 4.1 PARTIAL REAL PROPERTY TAX EXEMPTION FOR CERTAIN REHABILITATED REAL PROPERTY

Sec. 17-62.1. Definitions.

The words and phrases defined in this section, when used in this division, shall have the following meaning except in those instances where the context clearly indicates a different meaning:

Commercial or industrial use shall mean improved real property that is used for commercial or industrial purposes, but that term does not include any hotel or motel.

Commissioner shall mean the Commissioner of Revenue of Bedford County or the designated agent of that commissioner.

Multifamily residential real estate shall mean improved real property containing two (2) or more dwelling units, and not classified as a single-family attached dwelling, as that term is defined by section 32-100 of the Bedford County Code.

Qualifying property shall mean an improvement to real property that is qualified to receive a tax credit pursuant to this division.

Residential real estate shall mean improved real property containing no more than one (1) dwelling unit, as that term is defined by section 32-100 of the Bedford County Code.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.2. Partial property tax exemption for certain rehabilitated, renovated or replacement residential or multifamily structures.

- (a) This section authorizes a partial exemption for improved real property from the general real estate tax by providing tax credits for residential real estate or multifamily real estate that is rehabilitated, renovated or replaced for residential use in accordance with Code of Virginia, § 58.1-3220 and the provisions of this division. For purposes of this section, residential real estate shall be deemed to be substantially rehabilitated, renovated or replaced when a structure, which is no less than fifteen (15) years old, has been so improved or replaced that the fair market value of the improved or replacement structure is increased by no less than twenty-five (25) percent. "Multifamily residential real estate" shall be deemed to be substantially rehabilitated, renovated or replaced when a residential structure, which is no less than fifteen (15) years old, has been so improved or replaced so that the fair market value of the improvement to the property, is increased by no less than twenty-five (25) percent.

In addition to all other qualification criteria set forth in this division, residential real estate and multifamily residential real estate that is substantially rehabilitated, renovated or replaced for residential use may not exceed the total square footage of the original, unimproved structure by more than thirty (30) percent and be eligible for the tax credit authorized by the section. If residential real estate and multifamily residential real estate contains more than one (1) residential structure, then each improved or replacement structure shall not exceed the total square footage of each corresponding original, unimproved structure by more than thirty (30) percent. No improvements made to unimproved real property shall be eligible for partial property tax exemption pursuant to this section. No property shall be eligible for a partial property tax exemption pursuant to this section unless all appropriate building permits have been acquired for the substantial rehabilitation, renovation or replacement of the structure on the property. No property shall be eligible for a partial property tax exemption pursuant to this section if that property is substantially rehabilitated by the demolition and replacement of any structure that (i) is a registered Virginia landmark, or (ii) is determined by the department of historic resources to contribute to the significance of a registered historic district.

- (b) The owner of any residential real estate or multifamily residential real estate who seeks to obtain the partial property tax exemption authorized by this section shall apply for such an exemption to the commissioner at the same time that the owner applies for a building permit to rehabilitate, renovate or replace the structure. Upon receipt of an application for partial property tax exemption, the commissioner shall determine a base fair market value assessment (hereinafter "base value") for the structure prior to commencement of rehabilitation, renovation or replacement. That base value shall serve as the basis for determining whether the rehabilitation, renovation or replacement increases the fair market value of the structure by at least twenty-five (25) percent in the case of residential real estate and at least twenty-five (25) percent for multifamily residential real estate. The application to qualify for tax exemption shall be effective until December 31 of the third calendar year following the year in which the application is submitted. If by such expiration date, the rehabilitation, renovation or replacement has not progressed to such a point that the assessed fair market value of the improvement to the property is at least the minimum required percent greater than the base value of such structure and if the applicant desires to proceed with the application, then a new application for partial tax exemption shall be filed with the commissioner, and thereafter the commissioner shall establish a new base value. All initial and subsequent applications for the partial exemption authorized by this section shall be accompanied by payment of a nonrefundable fifty dollar (\$50.00) fee for processing the application.

During the period between the receipt of the application and the time when the commissioner may ascertain that the fair market value of the structure has increased in value by at least the minimum percent specified in subsection (a) above, the owner of the property shall be subject to real property taxation upon the full fair market value of the property. At any time prior to November 1 of any calendar year in which rehabilitation, renovation or replacement of a structure is complete, an owner may submit a written request to the commissioner to inspect the structure to determine if it then qualifies for a partial real property tax exemption. After the commissioner has determined that the assessed fair market value of a substantially rehabilitated, renovated or replaced structure exceeds the base value by the percentage specified by subsection (a) above, the tax exemption shall become effective beginning on January 1 of the next calendar year.

- (c) Subject to the provisions of subsection (d) below and sections 17-62.4 and 17-62.5, the owner of any residential or multifamily residential structure qualifying for partial exemption from the real estate tax because of substantial rehabilitation, renovation or replacement shall be issued a credit for the general real property tax otherwise due on the fair market value of that property in the amount that is equal to the value of the real property tax levy calculated on the difference in value between the base value and the initial fair market value of the substantially rehabilitated, renovated or replaced structure. That credit shall be applied for each year of the ten-year period following completion of the substantial rehabilitation, renovation or replacement. In each year of the four-year period following the initial ten-year period, the owner of a qualifying property shall be issued a credit for the real estate tax otherwise due on the fair market value of that property in an amount equal to the value of the real property levy calculated on the difference in value between the base value and the initial fair market value of the substantially rehabilitated, renovated or replaced structure, less twenty (20) percent for each year following the expiration of the initial ten-year period of exemption. Credits against the real estate tax for any residential or multifamily real estate qualifying pursuant to this section shall run with the land, and, except as otherwise provided by subsection (d) of this section and by sections 17-62.4 and 17-62.5, the owner of such property during each of the fourteen (14) years of the exemption period shall be entitled to receive a credit in the amount specified by this subsection.
- (d) In the event that the fair market value of a qualifying residential or multifamily residential structure increases after the first year of such substantial rehabilitation, renovation or replacement, the credit specified by subsection (c) above shall not be increased. In the event that the fair market value of a qualifying property decreases after the first year of substantial rehabilitation, renovation or replacement, the credit specified in subsection (c) above shall be limited to the extent that the credit shall not reduce the real property tax on a qualifying property below an amount equal to the amount of the real property tax computed on the base value. If any tax credit computed in accordance with subsection (c) above is reduced in accordance with this subsection, that credit reduction shall not be applied to any other property or to real property taxes assessed in any other calendar year.

If the fair market value of any qualifying property decreases below the base value, then that qualifying property shall be assessed at the fair market value, and no credit against the general real property tax shall be allowed. If no tax credit can be granted because the fair market value of a qualifying property is below the base value, that unused credit shall not be applied to any other property or to real property taxes assessed in any other calendar year.

- (e) The credits against the real estate tax specified in subsection (c) of this section shall not affect any special district taxes or levies within the county. All ad valorem special district taxes or levies shall be computed on the full fair market value of all qualifying property.
- (f) In determining the base value of any structure, and in determining whether any structure has been substantially rehabilitated, renovated or replaced to the extent that the fair market value of the improved or replaced structure exceeds the base value by the percent specified in this section, the commissioner shall employ usual and customary methods of assessing real property and improvements thereon.

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- (g) This section shall be applicable to assessments of qualifying residential and multifamily real estate made on and after January 1, 2019.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.3. Partial property tax exemption for certain rehabilitated, renovated or replacement commercial or industrial structures.

- (a) This section authorizes a partial exemption for improved commercial or industrial real property from the general real estate tax by providing tax credits for real property that is substantially rehabilitated, renovated or replaced in accordance with Code of Virginia, § 58.1-3221 and the provisions of this division. For purposes of this section, any commercial or industrial structure that is substantially rehabilitated, renovated or replaced for commercial or industrial use shall be deemed to be substantially rehabilitated, renovated or replaced when a structure, which is no less than twenty (20) years old, has been so improved or replaced that the fair market value of the improved or replacement structure to the property is increased by no less than twenty-five (25) percent.

In addition to all other qualification criteria set forth in this division, no commercial or industrial structure that has been substantially rehabilitated, renovated or replaced may exceed the total square footage of the original unimproved structure by more than one hundred (100) percent and be eligible for the tax credits authorized by this section. If such commercial or industrial property contains more than one (1) structure, then any improved or replacement structure or structures may exceed the total square footage of the original, unimproved structures by no more than one hundred (100) percent.

No improvements made to unimproved real property shall be eligible for partial property tax exemption pursuant to this section. No property shall be eligible for a partial property tax exemption pursuant to this section unless all appropriate building permits have been acquired for the substantial rehabilitation, renovation or replacement of the structure on the property. No property shall be eligible for partial property tax exemption pursuant to this section if that property is substantially rehabilitated by the demolition and replacement of any structure that (i) is a registered Virginia landmark, or (ii) is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

- (b) The owner of any commercial or industrial property who seeks to obtain the partial exemption authorized by this section shall apply for such an exemption to the commissioner at the same time that the owner applies for a building permit to rehabilitate, renovate or replace a structure. Upon receipt of an application for partial property tax exemption, the commissioner shall determine a base fair market value assessment (hereinafter "base value") for the structure prior to commencement of rehabilitation, renovation or replacement. That base value shall serve as the basis for determining whether the rehabilitation, renovation or replacement increases the fair market value of the structure by at least twenty-five (25) percent. The application to qualify for tax exemption shall be effective December 31 of the third calendar year following the year in which application is submitted. If by such expiration date, rehabilitation, renovation or replacement has not progressed to such a point that the assessed fair market value of the improvement to the property is at least the minimum required percent greater than the base value of such structure, and if the applicant desires to proceed with the application, then a new application for partial tax exemption shall be filed with the commissioner, and thereafter the commissioner shall establish a new base value. All initial and subsequent applications for the partial exemption authorized by this section shall be accompanied by payment of a nonrefundable fifty dollar (\$50.00) fee for processing the application. During the period between the receipt of the application and the time when the commissioner may ascertain that the fair market value of the structure has increased in value by at least the minimum percent specified in subsection (a) above, the owner of the property shall be subject to real property taxation upon the fair market value of the property. At any time prior to November 1 of any calendar year in which rehabilitation, renovation or replacement of a structure is complete, an owner may

submit a written request to the commissioner to inspect the structure to determine if it then qualifies for a partial real property tax exemption. After the commissioner has determined that the assessed fair market value of a substantially rehabilitated, renovated or replaced commercial or industrial structure exceeds the base value by the percentage specified by subsection (a) above, the tax exemption shall become effective beginning on January 1 of the next calendar year.

- (c) Subject to the provisions of subsection (d) below and sections 17-62.4 and 17-62.5, the owner of any commercial or industrial structure qualifying for partial exemption from the real estate tax because of substantial rehabilitation, renovation or replacement shall be issued a credit for the general real property tax otherwise due on the fair market value of that structure in an amount that is equal to the value of the real property tax levy calculated on the difference in value between the base value and the initial fair market value of the substantially rehabilitated, renovated or replaced structure.

That credit shall be applied for each year of a ten-year period following completion of the substantial rehabilitation, renovation or replacement. In each year of a four-year period following the initial ten-year period, the owner of a qualifying property shall be issued a credit for the real estate tax otherwise due on the fair market value of that property in an amount equal to the value of the real property tax levy calculated on the difference in value between the base value and the initial fair market value of the substantially rehabilitated, renovated or replaced structure, less twenty (20) percent for each year following the expiration of the initial ten-year period of exemption. Credits against the real estate tax for any structure qualifying pursuant to this section shall run with the land, and, except as otherwise provided by subsection (d) below and by sections 17-62.4 and 17-62.5, the owner of such structure during each of the fourteen (14) years of the exemption period shall be entitled to receive a credit in the amount specified by this subsection.

- (d) In the event that the fair market value of a qualifying property increases after the first year of such substantial rehabilitation, renovation or replacement, the credit specified by subsection (c) above shall not be increased. In the event that the fair market value of a qualifying property decreases after the first year of substantial rehabilitation, renovation or replacement, the credit specified in subsection (c) above shall be limited to the extent that the credit shall not reduce the real property tax levy on a qualifying structure below an amount equal to the amount of the real property tax computed on the base value. If any tax credit computed in accordance with subsection (c) above is reduced in accordance with this subsection, that credit reduction shall not be applied to any other property or to real property taxes assessed in any other calendar year.

If the fair market value of any qualifying property decreases below the base value, then that qualifying property shall be assessed at full fair market value, and no credit against the general real property tax shall be allowed. If no tax credit can be granted because the fair market value of a qualifying property is below the base value, that unused credit shall not be applied to any other property or to real property taxes assessed in any other calendar year.

- (e) The credits against the real tax specified in subsection (c) above shall not affect any special district taxes or levies within the county. All ad valorem special district taxes or levies shall be computed on the full fair market value of all qualifying property.
- (f) In determining the base value of any structure, and in determining whether any structure has been substantially rehabilitated, renovated or replaced to the extent that the fair market value of the improved or replaced structure exceeds the base value by the percent specified in this section, the commissioner shall employ usual and customary methods of assessing property and improvements thereon.
- (g) This section shall be applicable to assessments of qualifying commercial or industrial structures real estate made on and after January 1, 2019.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.4. Limitations on amount and eligibility for partial tax exemption and tax credit.

- (a) No property owner shall be eligible to apply for the partial tax exemption and tax credit provided by this division for any property which has delinquent taxes, penalties, and interest due the county.
- (b) If any property, for which an application for the partial tax exemption and tax credit provided by this division is made, has been damaged or destroyed as a result of a sudden natural or manmade disaster prior to the application, and that property will be repaired, rehabilitated or replaced through the use of any insurance or self-insurance proceeds, then the base value of the property, as provided herein, shall be computed based upon the fair market value of the property immediately prior to the sudden disaster. For purposes of this division, a sudden natural or manmade disaster shall include, but is not limited to damage or destruction caused by fire, flood, windstorm, and explosion.
- (c) Notwithstanding any other provisions of this division, the partial property tax exemption and tax credit provided in sections 17-62.2, and 17-62.3 shall be limited to a total maximum tax exemption and tax credit amount of seven hundred fifty thousand dollars (\$750,000.00) for each approved application. There shall be only one (1) application approved for any single property at any one (1) time.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.5. Failure to pay real estate taxes in a timely manner; forfeiture of partial exemptions and tax credits, and further qualification limitations.

- (a) No tax credit described in sections 17-62.2, and 17-62.3 shall be issued to any owner of any substantially rehabilitated, renovated or replaced structure if the real estate tax on that property has not been paid on or before June 5 and December 5 of any year as required by section 17-2. Failure to pay the real estate tax on improved real property in any year on, or before, the date on which the real estate tax is due shall result in the forfeiture of any partial tax exemption and tax credit that otherwise would have been applied to the real estate tax due in that year and in any future year. In such cases, the property shall be removed from the partial tax exemption program and the annual real estate tax shall be assessed on the full fair market value of the improved real property. Late payment of the real estate tax on real property and any substantially rehabilitated, renovated or replaced structure thereon shall be subject to late payment penalties and interest in accordance with section 17-2. However, the commissioner of revenue may waive any penalty and interest and reinstate any tax exemption and credit if the failure to pay the real estate tax was not in any way the fault of the taxpayer.
- (b) Notwithstanding any other provision of this division, no improved property which has qualified for a tax credit in accordance with this division by means of substantial rehabilitation, renovation or replacement shall be eligible to submit any application for further tax credits based on subsequent improvements during the pendency of the initial tax credit period.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.6. Administration.

The commissioner shall prepare and distribute application forms for persons who apply for partial property tax exemption pursuant to sections 17-62.2 and 17-62.3. The commissioner may prescribe rules and procedures for the administration of this division that are not in conflict with this division. Copies of such application forms and any prescribed rules and procedures shall be available to the public during regular office hours at the office of the commissioner.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

Sec. 17-62.7. Reserved.

Sec. 17-62.8. Effective date.

Division 4.1 shall be effective on January 1, 2019.

(Ord. No. O062518-09b, 6-25-2018, eff. 1-1-2019)

***DIVISION 5. EXEMPTION FOR SURVIVING SPOUSES OF CERTAIN PERSONS KILLED
IN THE LINE OF DUTY⁴***

Sec. 17-63. Title.

This article shall be known as the "Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty".

The purpose of this article is to provide an exemption from taxation for the qualifying real property of spouses of any law enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who are killed in the line of duty.

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

Sec. 17-64. Authority for article.

This article is authorized by the Code of Virginia, Tit. 58.1, Ch. 32, Art. 2.5, §§ 58.1-3219.13 through 58.1-3219.16.

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

Sec. 17-65. Definitions.

As used in this article, unless the context requires otherwise:

Covered person means any person set forth in the definition of "deceased person" in Code of Virginia, § 9.1-400 whose beneficiary, as defined in Code of Virginia, § 9.1-400, is entitled to receive benefits under Code of Virginia, § 9.1-402, as determined by the comptroller prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

⁴Editor's note(s)—Ord. No. O102317-06, adopted October 23, 2017, and effective retroactive to January 1, 2017, set out provisions intended for use as Division 4, §§ 17-59—17-64. Inasmuch as there were already provisions so designated, the provisions have been redesignated as Division 5, §§ 17-63—17-68, at the discretion of the editor.

Sec. 17-66. Exemption from taxes on property of surviving spouses of certain persons killed in the line of duty.

- (a) Pursuant to Article X, Section 6-B of the Constitution of Virginia, for tax years beginning on or after January 1, 2017, the county exempts from taxation the real property described in subsection (b) of the surviving spouse of any covered person who occupies the real property as his principal place of residence. If the covered person's death occurred on or prior to January 1, 2017, and the surviving spouse has a principal residence on January 1, 2017, eligible for the exemption under this section, then the exemption for the surviving spouse shall begin on January 1, 2017. If the covered person's death occurs after January 1, 2017, and the surviving spouse has a principal residence eligible for the exemption under this section on the date that such covered person dies, then the exemption for the surviving spouse shall begin on the date that such covered person dies. If the surviving spouse acquires the property after January 1, 2017, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Code of Virginia, § 58.1-3360. The county shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by Code of Virginia, § 58.1-3219.15.
- (b) Those dwellings in the county with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single-family homes, condominiums, town homes, manufactured homes as defined in Code of Virginia, § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt. For purposes of determining whether a dwelling, or a portion of its value, is exempt from county real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single-family residential.
- (c) The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.
- (d) The county shall provide for the exemption from real property taxes of (i) the qualifying dwelling, or that portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection (b), and (ii) with the exception of land not owned by the surviving spouse, the land, not exceeding five (5) contiguous acres, upon which it is situated. A real property improvement other than a dwelling, including the land upon which such improvement is situated, shall also be exempt from taxation so long as the principal use of the improvement is (a) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of Section 58.1-3503 of the Code of Virginia and as listed in Code of Virginia, § 58.1-3504 and (b) for other than a business purpose.
- (e) For purposes of this exemption, real property of any surviving spouse of a covered person includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the

surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.

- (f) (1) In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three (3) ways set forth in subsection (e) and (ii) one (1) or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is one (1) and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.
- (2) In the event that the principal residence is jointly owned by two (2) or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three (3) ways set forth in subsection (e), then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is one hundred (100).

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

Sec. 17-67. Application for exemption.

- (a) The surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county on forms to be supplied by the county, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence, and (iv) including evidence of the determination of the comptroller or the Virginia Retirement System pursuant to subsection (a). The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died. The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.
- (b) The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

Sec. 17-68. Absence from residence.

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

(Ord. No. O102317-06, 10-23-2017, eff. retroactive 1-1-2017)

DIVISION 6. NEW BUILDINGS

17-69.- Assessment of New Buildings Substantially Completed.

All new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the Commissioner of the Revenue shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become

effective until information as to the date and amount of such assessment is recorded in the Commissioner of Revenue's office made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

(Ord. No. O121222-04, 12-12-2022))

Secs. 17-70. Reserved.

ARTICLE IV. RETAIL SALES TAX

Sec. 17-71. Levied; to be added to state tax and subject to laws relating thereto.

Pursuant to Code of Virginia, § 58.1-605, a local general retail sales tax, at the rate of one (1) percent, to provide revenue for the general fund of the county, is hereby levied. Such tax shall be added to the rate of the state sales tax imposed by the Code of Virginia, Tit. 58, Ch. 8.1 (§ 58.1-600 et seq.), and it shall be subject to all provisions of such chapter, all amendments thereto and the rules and regulations published with respect thereto.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-72. Administration and collection.

Pursuant to Code of Virginia, § 58.1-605, the local general retail sales tax levied by this article shall be administered and collected by the state tax commissioner in the same manner and, subject to the same penalties as provided for the state sales tax, with the adjustments required by Code of Virginia, §§ 58.1-622 and 58.1-628.2.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-73. Exemption.

- (a) The sales tax levied by this article shall not apply to artificial or propane gas, firewood, coal or home heating oil used for domestic consumption and such items shall be exempt from such tax.
- (b) For the purposes of subsection (a) above, "domestic consumption" means the use of the items referred to in such subsection by an individual purchaser for other than business, commercial or industrial purposes.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above section, Code of Virginia, § 58.1-605.

Secs. 17-74, 17-75. Reserved.

ARTICLE V. USE TAX

Sec. 17-76. Imposed; to be added to state tax and subject to laws relating thereto.

Pursuant to Code of Virginia, § 58.1-606, there is hereby imposed in the county a local county use tax, at the rate of one (1) percent, to provide revenue for the general fund of the county. Such county use tax shall be added to the rate of the state use tax imposed by Code of Virginia, Tit. 58.1, Ch. 8.1 (§ 58.1-600 et seq.), and shall be subject to all the provisions of that chapter, all amendments thereof and the rules and regulations published with respect thereto.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-77. Purpose of article.

The purpose of this article is to impose the local use tax authorized by Code of Virginia, § 58.1-606.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-78. Exemption.

- (a) The use tax imposed by this article shall not apply to artificial or propane gas, firewood, coal or home heating oil used for domestic consumption and such items shall be exempt from such tax.
- (b) For the purposes of subsection (a) above, "domestic consumption" means the use of the items referred to in such subsection by an individual purchaser for other than business, commercial or industrial purposes.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above section, Code of Virginia, § 58.1-609.

Secs. 17-79, 17-80. Reserved.

ARTICLE VI. BANK FRANCHISE TAX

Sec. 17-81. Definitions.

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

Bank shall have the meaning ascribed to it in Code of Virginia, § 58.1-1201.

Net capital shall mean a bank's net capital computed pursuant to Code of Virginia, § 58.1-1205.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-82. Imposed; amount.

- (a) Pursuant to the provisions of Code of Virginia, Tit. 58, Ch. 10.01 (§ 58.1-1201 et seq.), there is hereby imposed upon each bank located outside any incorporated town, but otherwise within the boundaries of this county, a tax on net capital equaling eighty (80) percent of the state rate of franchise tax set forth in Code of Virginia, § 58.1-1204.
- (b) In the event that any bank located within the boundaries of this county, but outside any incorporated town located herein, is not the principal office, but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by Code of Virginia, § 58.1-1211.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above tax, Code of Virginia, § 58.1-1210.

Sec. 17-83. Filing of returns, schedules, etc.

- (a) On or after the first day of January of each year, but not later than March 1 of any such year, all banks whose principal offices are located within this county, but outside any incorporated town herein, shall prepare and file with the commissioner of revenue a return, as provided by Code of Virginia, § 58.1-1207, in duplicate, which shall set forth the tax on net capital computed pursuant to Code of Virginia, Tit. 58, Ch. 10.01 (§ 58.1-1201 et seq.). The commissioner of revenue shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the state department of taxation.
- (b) In the event that the principal office of a bank is located outside the boundaries of this county or within any town located herein, and such bank has branch offices located within this county, in addition to the filing requirements set forth in subsection (a) above, any bank conducting such branch business shall file with the commissioner of revenue a copy of the real estate deduction schedule, apportionment and other items which are required by Code of Virginia, §§ 58.1-1211, 58-1207 and 58.1-1212.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-84. Payment of tax.

Each bank, on or before the first day of June of each year, shall pay into the county treasurer's office all taxes imposed pursuant to this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-85. Penalty for violations of article.

Any bank which shall fail or neglect to comply with any provision of this article shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) which fine shall be recovered upon motion, after five (5) days' notice, in the circuit court of this county. The motion shall be in the name of the commonwealth and shall be presented by the attorney for the commonwealth of this county.

(Ord. No. O1210-164, 12-10-2012)

Secs. 17-86—17-94. Reserved.

ARTICLE VII. RECORDATION TAX

Sec. 17-95. Imposed; amount.

Pursuant to the provisions of Code of Virginia, § 58.1-814, there hereby is imposed, on the recordation of each taxable instrument in the county, a county recordation tax in an amount equal to one-third of the amount of the state recordation tax collectible for the state on the first recordation of each taxable instrument in the county in each case in which the state recordation tax is not less than fifty cents (\$0.50).

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-96. Computation when property located in county and also in other counties or cities.

In each case in which a deed or other instrument conveys, covers or relates to property located in this county and also to property located in another county or city or in other counties or cities, the tax imposed by this article shall be computed only with respect to the property located in this county.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-814.

Sec. 17-97. Compensation for collecting.

The clerk of court collecting the tax imposed by this article and paying the same into the county treasury shall be entitled to a compensation of five (5) percent of the amount of the county tax collected by him under the provisions of this article for his services in collecting and paying over such tax, such compensation to be payable to him out of the county treasury.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-814.

Secs. 17-98—17-104. Reserved.

ARTICLE VIII. TAX ON PROBATE OF WILLS AND GRANT OF ADMINISTRATION

Sec. 17-105. Imposed; amount.

Pursuant to the provisions of Code of Virginia §§ 58.1-1718 and 58.1-3805, there hereby is imposed on the probate of every will and the granting of administration on every estate: (i) a county tax in an amount equal to one-third ($\frac{1}{3}$) of the amount of the state tax on such probate or grant of administration; and (ii) a fee of twenty-five dollars (\$25.00) for every list of heirs recorded unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-106. Compensation for collection.

The clerk of court collecting the tax imposed by this article and paying the same into the county treasury shall be entitled to compensation at the rate of five (5) percent of the amount of the tax so collected and paid over by him under provisions of this article for his services in collecting and paying over such tax, such compensation to be payable to him out of the county treasury.

(Ord. No. O1210-164, 12-10-2012)

State law reference(s)—Authority for above section, Code of Virginia §§ 58.1-1718, 58.1-3805.

Secs. 17-107—17-110. Reserved.

ARTICLE IX. OCCUPANCY TAX

Sec. 17-111. Definitions.

As used in this article, unless the context clearly indicates otherwise:

Commissioner of the revenue means the Commissioner of the Revenue of Bedford County.

Lodging includes, but is not limited to, any space or room furnished to any transient.

Occupancy means the use or possession, or the right to the use or possession of any space, room or rooms or portion thereof, in any hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days for dwelling, lodging or sleeping purposes.

Person includes, but is not limited to, any individual, firm, partnership, association, corporation, person acting in a representative capacity or any group of individuals acting as a unit.

Rent means the consideration charged, whether or not received, for the occupancy of space in a hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and service of any kind or nature, without any deduction therefrom whatsoever.

Room rental means the total charge, including but not limited to, resort fees, cleaning fees, pet fees, additional occupant fees, service or accommodation fees and other required fees charged for renting the room or space, exclusive of any tax imposed on such charge, made by any hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days for lodging furnished to any transient. If the charge made by the hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days to a transient includes charge for services or accommodations in addition to that of lodging and/or use of space, then such portion of the total charge representing only lodging and/or space rental shall be distinctly set out and billed to such transient by such hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days as a separate item.

Transient means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. Any such person so occupying space in a hotel, motel, boarding house or travel campground and other facilities offering guest rooms rented out for continuous occupancy for fewer than

thirty (30) consecutive days shall be deemed to be a transient until the period of twenty-nine (29) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the occupant has paid in advance for over twenty-nine (29) days occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this article may be considered.

Travel campground means any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, or recreational or vacation uses.

Treasurer means the Treasurer of Bedford County.

(Ord. No. O1210-164, 12-10-2012; O112221-07, 11-22-2021)

Sec. 17-112. Imposed; amount.

Pursuant to the provisions of Code of Virginia, Title 58.1 (§§ 58.1-3819 and 58.1-3823), as amended by 2016 Virginia General Assembly House Bill 1194, there is hereby imposed and levied by the county on each transient an occupancy tax in the amount of seven (7) percent of the charge made for each room or space rented to such transient. Such tax shall be collected from such transient at the time rooms or spaces are rented in accordance with this article. The tax imposed hereby shall apply to all hotels, motels, boarding houses, and travel campgrounds and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days except that the tax imposed hereunder shall not apply to rooms or spaces rented for continuous occupancy by the same individual or group for thirty (30) or more days in hotels, motels, boarding houses, or travel campgrounds and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days.

(Ord. No. O1210-164, 12-10-2012; Ord. No. O052316-07, 5-23-2017)

Sec. 17-113. Collection.

Every person, firm or corporation receiving any payment for occupancy with respect to which a tax is levied under this article shall collect the amount of such tax so imposed from the transient on whom such tax is levied or from the person paying for such occupancy at the time payment for such occupancy is made. The tax required to be collected under this section shall be deemed to be held in trust by the person, firm or corporation required to collect such taxes as provided in this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-114. Reporting; payment.

The person, firm or corporation collecting any tax as provided in this article shall make out a report thereof on such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the amount of occupancy charges collected, and the taxes required to be collected; and shall sign and deliver such report to the commissioner of the revenue with remittance of the taxes collected, less three (3) percent of the total amount collected each calendar month, on or before the twentieth of the month following the month in which the taxes are collected. The three (3) percent deduction is allowed to defray the expenses incurred by persons, firms or corporations collecting this tax, except that no deduction shall be allowed if the amount due was delinquent.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-115. Penalties for late payment.

If any person shall fail or refuse to remit to the commissioner of the revenue the tax required to be collected and paid under this article within the time and in the amount specified there shall be added to such tax by the county treasurer a penalty in the amount of ten (10) percent thereof and interest on the principal amount thereon at the rate of ten (10) percent per annum which shall be computed upon the taxes and penalty from the first day of the month next following the month in which such taxes are due and payable.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-116. Failure to collect taxes or make reports.

It shall be unlawful for any person, firm or corporation to fail, or refuse, to collect the taxes imposed under this article and to make reports and remittance as required. The commissioner of the revenue shall have the power to examine pertinent records for the purpose of administering or enforcing the provisions of this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-117. Records required.

It shall be the duty of every person, firm or corporation liable for the collection and payment to the county of any tax imposed by this article to keep and preserve for a period of four (4) years such suitable records as may be necessary to determine the amount of tax due to have been collected and paid to the county. The commissioner of the revenue may inspect such records at all reasonable times.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-118. Penalty for violations of article.

Any person, firm or corporation convicted of violating the provisions of this article shall be subject to a fine of not more than one hundred dollars (\$100.00); and each failure, refusal, neglect, or violation and each day's continuance thereof, shall constitute a separate offense. This penalty shall be deemed to be in addition to and not in lieu of the penalties set forth in section 17-115 of this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-119. Reserved.

ARTICLE X. LICENSE TAX ON TELEPHONE COMPANIES⁵

⁵State law reference(s)—Tax authorized, Code of Virginia, title 58.1, §§ 58.1-3731, 58.1-3732.

Sec. 17-120. Levied.

For each and every calendar-tax year, beginning on the first day of January and ending on the following thirty-first day of December, until otherwise changed, there is hereby levied upon any telephone for the privilege of doing business within the county, a license tax equal to one-half of one (1) percent of the gross receipts of such company accruing from sales to the ultimate consumer in the county.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-121. Gross receipts exemptions.

Charges for long distance telephone calls shall not be included in gross receipts for purposes of this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-122. Basis for calculating receipts.

Gross receipts shall be ascertained as of the thirty-first day of December of each year, and the tax for the current calendar-tax year shall be based on the receipts for the preceding calendar-tax year.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-123. Filing statement.

On or before February 15 of each calendar-tax year, a statement detailing the gross receipts for the preceding calendar-tax year will be supplied to the office of the county administrator.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-124. Payment due, when.

The tax assessed hereunder shall be due and payable to the Treasurer of the County of Bedford on or before the first day of June of each calendar-tax year.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-125. Penalty for late payment.

Any company, person, or corporation failing to pay such taxes into the county treasury within the time prescribed in section 17-124 shall incur a penalty thereon of ten (10) percent and interest thereon of ten (10) percent per annum.

(Ord. No. O1210-164, 12-10-2012)

Secs. 17-126—17-130. Reserved.

ARTICLE XI. TAX ON CONSUMERS OF UTILITY SERVICE⁶

Sec. 17-131. Utility service tax.

(a) *Electric and natural gas consumers tax.*

(1) *Definitions.*

CCF means the volume of gas at standard pressure and temperature in units of one hundred (100) cubic feet.

Class of consumer means a category of consumers served under a rate schedule established by the pipeline distribution company and approved by the state corporation commission.

Consumer means every person who, individually or through agents, employees, officers, representatives or permittees, makes a taxable purchase of electricity or natural gas services in this jurisdiction.

Gas utility means a public utility authorized to furnish natural gas service in Virginia.

Kilowatt hours (kWh) delivered means the number of one thousand (1,000) watt units of electricity delivered in a one-hour period by an electric provider to an actual consumer, except that in the case of eligible customer-generators (sometimes called cogenerators) as defined in Code of Virginia, § 56-594, it means kWh supplied from the electric grid to such customer-generators, minus the kWh generated and fed back to the electric grid by such customer-generators.

Person means any individual, corporation, company or other entity.

Pipeline distribution company means a person, other than a pipeline transmission company which transmits, by means of a pipeline, natural gas, manufactured gas or crude petroleum and the products or byproducts thereof to a purchaser for purposes of furnishing heat or light.

Residential consumer means the owner or tenant of property used primarily for residential purposes, including but not limited to, apartment houses and other multiple-family dwellings.

Service provider means a person who delivers electricity to a consumer or a gas utility or pipeline distribution company which delivers natural gas to a consumer.

Used primarily relates to the larger portion of the use for which electric or natural gas utility service is furnished.

(2) *Electric utility consumer tax.*

a. In accordance with Code of Virginia, § 58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

1. Residential consumers: Such tax shall be the greater of: (a) the rate of \$0.00750 on each kWh or fraction thereof delivered monthly to such consumer by a service provider; or (b) ten (10)

⁶State law reference(s)—Tax authorized, Code of Virginia, title 58.1, § 58.1-3814.

percent times the minimum monthly charge imposed by the service provider, but in either case not to exceed one dollar and fifty cents (\$1.50).

2. Commercial consumers: Such tax shall be the greater of: (a) the rate of \$0.00605 on each kWh or fraction thereof delivered monthly to such consumer by a service provider; or (b) ten (10) percent times the minimum monthly charge imposed by the service provider, but in either case not to exceed twenty-five dollars (\$25.00).
 3. Industrial consumers: Such tax shall be the greater of: (a) the rate of \$0.00735 on each kWh or fraction thereof delivered monthly to such consumer by a service provider; or (b) ten (10) percent times the minimum monthly charge imposed by the service provider, but in either case not to exceed twenty-five dollars (\$25.00).
 4. The conversion of tax pursuant to this subsection (b) to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- b. Exemptions: The following consumers of electricity are exempt from the tax imposed by this subsection (b): The United States of America, the Commonwealth and the political subdivisions thereof, including this jurisdiction.
- c. Billing, collection and remittance of tax. The service provider shall bill the electricity consumer tax to all users who are subject to the tax and to whom it delivers electricity and shall remit the same to this jurisdiction on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with Code of Virginia, § 58.1-3814F, and G, and Code of Virginia, § 58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this subsection, the service provider shall notify this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this subsection, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction.
- Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction.
- d. Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted twelve (12) times per year of approximately one (1) month each. Accordingly, the tax for a bi-monthly bill (approximately sixty (60) days) shall be determined as follows: (i) the kWh will be divided by two (2); (ii) a monthly tax will be calculated using the rates set forth above; (iii) the tax determined by (ii) shall be multiplied by two (2); (iv) the tax in (iii) may not exceed twice the monthly "maximum tax".

(b) *Local natural gas utility consumer tax.*

- (1) In accordance with Code of Virginia, § 58.1-3814, there is hereby imposed and levied a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities classified by "class of consumers" as such term is defined in Code of Virginia, § 58.1-3814J, as follows:
 - a. Residential consumers: Such tax on residential consumers of natural gas shall be one dollar and twenty-five cents (\$1.25) plus at the rate of four cents (\$0.04) on CCF delivered monthly to residential consumers, not to exceed one dollar and fifty cents (\$1.50) per month.
 - b. Nonresidential consumers: Such tax on nonresidential consumers shall be at the rates per month shown for each CCF delivered by a pipeline distribution company or a gas utility for the classes as set forth below:

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1. Commercial consumers - Such tax shall be two dollars and thirty-five cents (\$2.35) plus the rate of four cents (\$0.04) on each CCF delivered monthly to commercial consumers, not to exceed twenty-five dollars (\$25.00) monthly.
 2. Industrial consumers - Such tax shall be two dollars and thirty-five cents (\$2.35) plus the rate of four cents (\$0.04) on each CCF delivered monthly to industrial consumers, not to exceed twenty-five dollars (\$25.00) monthly.
- c. The conversion of tax pursuant to this subsection (c) to monthly CCF delivered shall not be effective before the first meter reading after December 21, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (2) Exemptions. The following consumers of natural gas shall be exempt from the tax imposed by this subsection:
- The United States of America, the commonwealth and the political subdivisions thereof, including this jurisdiction.
- (3) Billing, collection, and remittance of tax. The service provider shall bill the natural gas consumer tax to all users who are subject to the tax and to whom it delivers natural gas and shall remit the same to this jurisdiction on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with Code of Virginia, § 58.1-3814H and I, and Code of Virginia, § 58.1-2901. If any consumer receives and pays for natural gas billed but refuses to pay the tax imposed by this subsection the service provider shall notify this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this subsection, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction.
- Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction.
- (4) Computation of bills not on monthly basis. Bills shall be considered as monthly bills for the purposes of this subsection if submitted twelve (12) times per year of approximately one (1) month each. Accordingly, the tax for a bi-monthly bill (approximately sixty (60) days) shall be determined as follows: (i) the CCF will be divided by two (2); (ii) a monthly tax will be calculated using the rates set forth above; (iii) the tax determined by (ii) shall be multiplied by two (2); (iv) the tax in (iii) may not exceed twice the monthly "maximum tax".
- (c) *Penalties.* Any consumer of electricity or natural gas failing, refusing or neglecting to pay the tax imposed and levied under this section, and any officer, agent or employee of any service provider violating the provisions of this section shall, upon conviction thereof, be punished as a class I misdemeanor. Each such failure, refusal, neglect or violation shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, and remittance of the tax as provided in this section.
- (Ord. No. O1210-164, 12-10-2012)

ARTICLE XII. FOOD AND BEVERAGES TAX

Sec. 17-132. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Beverage shall mean alcoholic beverages as defined in Code of Virginia, § 4.1-100, as amended, and nonalcoholic beverages served as part of a meal.

Cater shall mean the furnishing of food, beverages, or both on the premises of another, for compensation.

Commissioner of revenue shall mean the county commissioner of revenue and any of his/her duly authorized deputies and agents.

Food shall mean all food, beverages or both, including alcoholic beverages, purchased in or from a food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not, and without regard to the manner, time, or place of service.

Food establishment shall mean any one (1) of the following:

- (1) Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to, lunchrooms, short-order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under Code of Virginia, § 53.1-68, as amended. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.
- (2) Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to, operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service.

Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.

Meal shall mean any prepared food or beverages, ready for immediate consumption, offered or held out for sale by a food establishment. All such food or beverages, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place or service.

Person shall mean:

- (1) Where the food establishment is a corporation, the president or managing agent of such corporation.
- (2) Where the food establishment is an unincorporated partnership or association, the general partner, partners or managing agent of such unincorporated partnership or association.
- (3) Where the food establishment is a sole proprietorship, the owner or managing agent of such sole proprietorship.

Purchaser shall mean any person who purchases food in or from a restaurant.

Treasurer shall mean the county treasurer and any of his/her duly authorized deputies and agents.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-133. Levy of tax.

- (a) In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food sold for human consumption in the county in or from a restaurant

whether prepared in such restaurant or not. The rate of this tax shall be four (4) percent of the amount paid for such food.

- (b) There shall be no tax if the total amount paid is less than fifteen cents (\$0.15); on larger amounts, a fractional cent of tax shall be rounded to the next higher cent.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-134. Exemptions; limits on application.

- (a) The tax imposed under this article shall not be levied on candy, gum, nuts, and other items of essentially the same nature served for on- or off-premises consumption.
- (b) The tax imposed under this article shall not be levied on the following items when served exclusively for off-premises consumption:
- (1) Donuts, crackers, chips, cookies, and factory prepackaged items of essentially the same nature.
 - (2) Food sold in bulk. For the purposes of this article, a bulk sale shall mean the sale of any item that would exceed the normal, customary, and usual portion sold for on-premises consumption (e.g., a whole cake or a gallon of ice cream); a bulk sale shall not include any food or beverage that is catered or delivered by a food establishment for off-premises consumption.
 - (3) Alcoholic and non-alcoholic beverages sold in factory sealed containers.
 - (4) Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.
 - (5) Any food or food product purchased for home consumption, as defined in the federal Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, except hot food or hot food products ready for immediate consumption. The following items, whether or not purchased for immediate consumption, are excluded from the federal Food Stamp Act definition and are thus subject to the tax imposed under this article; sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and nonfactory sealed beverages. This subsection shall not affect provisions set forth in subsections (d)(3), (4) and (5) herein below.
- (c) A grocery store, supermarket, or convenience store shall not be subject to the tax imposed under this article except for any portion or section therein designated as a delicatessen or designated for the sale of meals.
- (d) The tax imposed under this article shall not be levied on the following purchases of food and beverages:
- (1) Food and beverages furnished by restaurants (or other food establishments) to employees as part of their compensation when no charge is made to the employee.
 - (2) Food and beverages sold by a day care center, public or private elementary or secondary school, or any college or university to its students or employees.
 - (3) Food and beverages purchased for use or consumption by and which are paid for directly by, the commonwealth, any political subdivision of the commonwealth, or the United States.
 - (4) Food and beverages furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm or handicapped, or other extended care facility to patients or residents thereof.
 - (5) Food and beverages furnished by a nonprofit charitable organization to elderly, infirm, handicapped, or needy persons in their homes or at central locations.

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- (6) Food and beverages sold on an occasional basis, not exceeding three (3) times per calendar year, by a nonprofit educational, charitable, or benevolent organization, church, or religious body as a fundraising activity, the gross proceeds of which are to be used by such organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes.
 - (7) Food and beverages sold through vending machines.
 - (8) No blind person operating a vending stand or other business enterprise under the jurisdiction of the department of the visually handicapped and located on property acquired and used by the United States for any military purpose shall be required to collect or remit such taxes.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-135. Tips and service charges.

- (a) Where a purchaser provides a tip for an employee of a seller, and the amount of the tip is wholly in the discretion of the purchaser, the tip is not subject to the tax imposed by this article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account; provided, in the latter case, the full amount of the tip is turned over to the employee by the seller.
- (b) Any amount or percentage, whether designated as a tip or a service charge, that is added to the price of a meal by the seller, and required to be paid by the purchaser, is a part of the selling price of the meal and is subject to the tax imposed by this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-136. Collection.

Every person receiving any payment for a meal subject to the tax levied under this article shall collect the amount of tax imposed under this article from the purchaser on whom the same is levied, or from the purchaser paying for such meal, at the time payment for such meal, is made. The taxes so collected shall be held in trust for the county by the person required to collect such taxes until remitted as provided in this article.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-137. Reports and remittances.

The commissioner of revenue shall require all sellers of food transacting business in the county to register for collection of the tax imposed by this article. Every seller shall make a report to the county for each calendar month, showing the amount of charges collected for food and the amount of tax required to be collected. The monthly reports shall be made on forms prescribed by the commissioner of revenue and shall be signed by the seller. They shall be delivered to the treasurer on or before the twentieth day of the calendar month following the month being reported. Each report shall be accompanied by a remittance of the amount of tax due, made payable to the county.

The person collecting any tax as provided in section 17-136 shall make out a report, upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the amount of meals charges collected and tax required to be collected and shall sign and deliver such reports to the county treasurer with a remittance of such tax. Such reports and remittances shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-138. Preservation of records.

It shall be the duty of every person liable for collection and remittance of the taxes imposed by this article to preserve for a period of two (2) years records showing the total daily purchases under the article, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article.

The commissioner of revenue shall have the power to examine such records for the purpose of administering and enforcing the provisions of this article, and to make transcripts of all or any parts thereof.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-139. Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this article, every seller shall be allowed three (3) percent of the amount of the tax due and accounted for in the form of a deduction on his or her monthly return, provided the amount due is not delinquent at the time of payment.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-140. Penalty and interest.

If any person whose duty it is to do so shall fail or refuse to make the report or remit the tax required by this article within the time and in the amount required, there shall be added to the tax by the treasurer a penalty in the amount of ten (10) percent of the tax, or ten dollars (\$10.00), whichever is greater, up to the amount of tax due, and interest on the tax at the rate of ten (10) percent per annum, which shall be computed from the first day following the date it is due and payable. For the second and subsequent years of delinquency, interest to accrue according to section 6621 of the Internal Revenue Code of 1954, as amended.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-141. Procedure when tax not reported or collected.

If any person whose duty it is to do so shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof, the commissioner of revenue shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due. As soon as the commissioner of revenue has procured whatever facts and information may be obtainable upon which to base the assessment of any tax payable by any person who has failed to collect, report or remit such tax, the commissioner of revenue shall proceed to determine and assess against such person the tax penalty and interest provided in this article and shall notify the person by certified mail sent to his last known address of the amount of such tax, penalty and interest. The total amount thereof shall be payable ten (10) days after the date such notice is sent.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-142. Advertising payment or absorption of tax prohibited.

No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by the seller or by anyone else or that the seller or anyone else will relieve any purchaser of the payment of all or any part of the tax.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-143. Willful failure to file returns or to pay, collect, or truthfully account for tax.

- (a) Any corporate, partnership or limited liability company officer who willfully fails to pay, collect, or truthfully account for and pay over the tax imposed under this article, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties imposed by law, be liable for a penalty of the amount of tax evaded or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as such taxes are assessed and collected.
- (b) Any corporate or partnership officer as defined in this section, or any other person required to collect, account for, or pay over the tax imposed under this article, who willfully fails to collect or truthfully account for or pay over such tax, or who willfully evades, or attempts to evade such tax or the payment thereof, shall, in addition to any other penalties imposed by law, be guilty of a class 1 misdemeanor.
- (c) The term "corporate, partnership or limited liability company officer" as used in this section means an officer or employee of a corporation, a member or employee of a partnership or a member, manager or employee of a limited liability company who, as such officer, employee, member or manager, is under a duty to perform on behalf of the corporation, partnership or limited liability company the act in respect of which the violation occurs and who: (i) had actual knowledge of the failure or attempt as set forth herein; and (ii) had authority to prevent such failure or attempt.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-144. Violations of article.

Any person violating or failing to comply with any provision of this article shall be guilty of a class 1 misdemeanor. Each violation of, or failure to comply with, this article shall constitute a separate offense. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article. An agreement by any person to pay the taxes provided for in this article by a series of installment payments shall not relieve such person of criminal liability for violation of this article until the full amount of taxes agreed to be paid by such person is received by the treasurer.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-145. Enforcement.

- (a) It shall be the duty of the commissioner of revenue to ascertain the name of every seller in the county liable for the collection of the tax imposed by this article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The commissioner of revenue may cause to be issued a summons for such person and the summons may be served upon such person by any county sheriffs deputy in the manner provided by law and the commissioner of revenue may seek a conviction or other civil remedy, including injunction, against such person.
- (b) In the event the purchaser of any food refuses to pay the tax imposed by this article, the seller may call upon the sheriffs department for assistance and the investigating officer may, when probable cause exists, issue the purchaser a summons returnable to the general district court as provided by law.

(Ord. No. O1210-164, 12-10-2012)

Sec. 17-146. Regulations.

The commissioner of revenue may issue regulations for the administration and enforcement of this article.
(Ord. No. O1210-164, 12-10-2012)

Chapter 18 WATER AND SEWERS

ARTICLE I. SEWER USE

Sec. 18-1. General provisions.

Sec. 18-1.1. Purpose and policy.

This article sets forth uniform requirements for users of the publicly owned treatment works for the Bedford Regional Water Authority (BRWA) and enables BRWA to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this article are:

- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (6) To enable BRWA to comply with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This article shall apply to all users of the publicly owned treatment works. The article authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-1.2. Administration.

Except as otherwise provided herein, the executive director of the BRWA, shall implement, administer, and enforce the provisions of this article. Any powers granted to or duties imposed upon the executive director may be delegated by the executive director to other BRWA personnel to insure the effective implementation of this article.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-1.3. Abbreviations.

The following abbreviations, when used in this article, shall have the designated meanings:

BOD: Biochemical oxygen demand.

BMP's: Best management practices.

BRWA: The Bedford Regional Water Authority.

CFR: Code of Federal Regulations.

COD: Chemical oxygen demand.

EPA: U.S. Environmental Protection Agency.

FOG: Fats, oils, and grease.

gpd: Gallons per day.

mg/l: Milligrams per liter.

NAICS: North American Industry Classification System.

NPDES: National Pollution Discharge Elimination System.

O&M: Operation and maintenance.

POTW: Publicly owned treatment works.

RCRA: Resource Conservation and Recovery Act.

SIC: Standard industrial classification.

SIU: Significant industrial user.

TSS: Total suspended solids.

U.S.C.: United States Code.

VAC: Virginia Administrative Code

VPDES: Virginia Pollutant Discharge Elimination System.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-1.4. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Approval authority: The Commonwealth of Virginia, Department of Environmental Quality.

Authorized or duly authorized representative of the user:

(1) If the user is a corporation:

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- (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to BRWA.

Best management practices (BMP's): These are management and operational procedures intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. They are defined in 40 CFR 403.3(e) as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 403.5(a)(1) and (b), as amended, and 9 VAC 25-31-770, as amended. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludges or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand or BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l). The laboratory determination shall be made in accordance with the procedures set forth in 40 CFR 136.

Building drain: That part of the lowest piping of a drainage system, beginning five (5) feet (1.5 meters) beyond the foundation walls of the building or structure that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer: That part of the drainage system that extends from the end of the building drain to a public sewer or other point of disposal.

Capital costs: Costs of major rehabilitation, betterment, expansion, or upgrading required as facilities reach the end of their useful life.

Capital outlays: Expenditures which result in the acquisition or addition to fixed assets.

Categorical pretreatment standard or categorical standard: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical oxygen demand or COD: A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

Collection system: The system of public sewers to be operated by the control authority or other entities which collect wastewater and convey it to a treatment system.

Collector sewer main: A sewer main designated and constructed to receive sewage from the building connections or laterals and other collector sewers and carry it to an interceptor sewer or the point of disposal. A collector sewer normally serves only a portion of one (1) drainage area or basin.

Combined sewer: A sewer intended to receive both wastewater and storm or surface water.

Commercial user: Includes any property occupied by a nonresidential establishment not within the definition of an "industrial user" and which is connected to the wastewater facilities, as defined in this section.

Composite sample: A combination or resultant sample composed of individual samples of water or wastewater taken at selected intervals, for a specified period. The individual samples may be equal volume or proportional to flow at the time of sampling prior to compositing.

Control authority: The Bedford Regional Water Authority.

Control manhole: A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharge in the public sewer.

Control point: A point of access to a source of discharge before the discharge mixes with other discharges in the public sewer.

Domestic sewage: Waterborne wastes normally discharging from the sanitary conveniences of dwellings (including apartment buildings and hotels), office buildings, factories, and institutions, free from storm surface waters and industrial wastes.

Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing source: Any source of discharge that is not a new source.

Fats, oils, and grease (FOG): Material, either liquid or solid, composed of fats, oils and grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease, or organic polar compounds derived from animal or plant sources that contain multiple carbon triglycerides molecules. These substances are detectable and measurable using analytical test procedures established in Title 40, Part 136 of the Code of Federal Regulations (40 CFR 136), as may be amended from time to time.

Garbage: The solid wastes and residue from animal and vegetables, resulting from the handling, storage, dispensing, preparation, cooking, and serving of foods.

Governmental: Legislative, judicial, administrative, and regulatory activities of federal, state, and local governments.

Grab sample: A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Grantee: A municipality that has executed a federal grant agreement.

High strength wastewater: Wastewater or sewage discharged into the public sewer that is not normal wastewater.

Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tanks.

Improvement: Buildings, other structures, and other attachments or annexations to land which are intended to remain so attached or annexed, such as sidewalks, trees, drives, tunnels, drains, and sewers. Sidewalks, curbing, sewers, and highways are sometimes referred to as "betterments" but the term "improvements" is preferred.

Incompatible waste: A waste that is not amenable to adequate treatment by the wastewater treatment plant.

Indirect discharge or discharge: The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act (33 USC 1317)

Industrial wastes: All waterborne solids, liquid or gaseous wastes resulting from any industrial manufacturing, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from domestic sewage.

Infiltration: Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

Inflow: Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Instantaneous maximum allowable discharge limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Institutional: Social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

Interference: A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal. Therefore, it is a cause of a violation of the control authority's VPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local limits: Specific discharge limits developed and enforced by the control authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) as amended.

Major non-significant industrial user: an industrial user that has the potential to cause harm to the POTW, either by itself or in conjunction with other discharges.

Medical waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly average: The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit: The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

New source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under

Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility integrates with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal wastewater: Wastewater or sewage discharged into a public sewer in which average concentrations or values for the following parameters are not exceeded:

- (a) *BOD:* 240 mg/l
- (b) *TSS:* 240 mg/l

North American Industry Classification System (NAICS): A classification pursuant to the North American Industry Classification Manual issued by the United States Office of Management and Budget.

NPDES permit: A permit issued pursuant to the provisions of Section 402 of the Act (33 USC 1432).

Operation and maintenance: Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed or constructed.

Overload: The imposition of organic or hydraulic loading on the wastewater treatment plant in excess of its engineered design capacity.

Parts per million: A weight-to-weight ratio; parts per million value multiplied by the factor (8.345) shall be equivalent to pounds per million gallons of water.

Pass through: A discharge which exits the POTW into state waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation

Permittee: The person holding a permit to discharge wastewater into a POTW.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH: A measure of the acidity or alkalinity of a solution, expressed in standard units (S.U.).

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment: The reduction in the quantity of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; by best management practices; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment program: Any internal administrative program (such as FOG, backflow prevention, etc.) or approved regulatory program established and implemented by the BRWA that meets the requirements and criteria of the applicable federal and state pretreatment regulations and which has been approved by the approval authority.

Pretreatment requirements: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards: Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits

Prohibited discharge standards or prohibited discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 18-2.1 of this article.

Publicly owned treatment works or POTW: A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292). This article will affect discharges into several different treatments works having different owners. Local limits are defined elsewhere in this article and may vary from site to site. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Sanitary sewer: Any sewer that carries sewage from residences, commercial buildings, industrial plants or institutions and to which ground water, stormwater, and surface water are not intentionally admitted.

Septic tank waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage: Human excrement (water carried waste) and gray water (liquid waste from household showers, dishwashing operations, etc.).

Shall: Is mandatory. *May:* Is permissive.

Significant industrial user (SIU): Except as provided in paragraphs (3) and (4) of this subsection, a significant industrial user is:

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- (1) An industrial user subject to categorical pretreatment standards; or
 - (2) An industrial user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW's; or
 - (c) Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (3) The control authority may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (a) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (b) The industrial user annually submits the certification statement required in section 18-6.14 (see 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement; and
 - (c) The industrial user never discharges any untreated concentrated wastewater.
 - (4) Upon a finding that an industrial user meeting the criteria in paragraph (2) of this subsection has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant non-compliance (SNC): An industrial user is in significant non-compliance if its violation meets one (1) or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined herein as those in which sixty-six (66) percent or more of all measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10);
- (b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10), daily maximum, long term average, instantaneous limit, or narrative standard) that the control authority and the POTW determines has caused alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

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- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge:
 - (e) Failure to meet within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order or agreement for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide within forty five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic monitoring reports, and/or reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation(s) that may include a violation of best management practices, which the control authority determines, will adversely affect the operation or implementation of the local pretreatment program.

Slug load or slug: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 18-2.1 of this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) Code: A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm sewer or storm drains: A sewer, which carries stormwater and surface water and drainage

Stormwater: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surcharge: the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is capital and operating cost for, including but not limited to, suspended solids, and BOD exceeding "normal wastewater."

Total suspended solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which, following the methods defined in 40 CFR 136, will not pass through a standard glass fiber filter.

Toxic pollutant: Any pollutant or combination of pollutants listed as a toxic in regulations promulgated by the administrator of the Environment Protection Agency under the provisions of CWA Section 307(a) or other acts.

User or industrial user: A source of indirect discharge.

VPDES: Virginia Pollutant Discharge Elimination System permit program as administered by the Commonwealth of Virginia.

Wastewater: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant (WWTP): That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2. General sewer use requirements.

Sec. 18-2.1 Prohibited discharge standards.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21 (2005);
 - (2) Wastewater having a pH which is outside the limits established at the POTW receiving the wastewater, but in no case discharges with pH lower than 5.0 or greater than 12.5 or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in quantities or sizes, which will cause obstruction of the flow in the POTW resulting in interference.
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW(s);
 - (5) Wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (40°C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the control authority in accordance with this article.
 - (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (10) Wastewater which imparts color, as determined by spectrophotometric method 204B, Standard Methods, or the latest approved method for industrial wastewater determinations, which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the plant's VPDES permit;
 - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

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- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and noncontact cooling water, unless specifically authorized by the control authority;
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (14) Medical wastes, except as specifically authorized by the control authority in a wastewater discharge permit;
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test
 - (16) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
 - (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than the limits specified in Appendix A.

Pollutants, wastewater, and any other specific substances prohibited with respect to each POTW or by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2.2. National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance with 40 CFR 403.15.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2.3. State pretreatment standards.

Users must comply with state pretreatment standards codified at 9 VAC 25-31-770 et seq.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2.4. Local limits.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater that is outside of the allowable discharge limits for the particular wastewater treatment plant

that receives and treats said discharges. The limits established herein are unique for each wastewater treatment plant and may be subject to administrative change as required by the DEQ or EPA. Please refer to Appendix A for the specific limits that are unique to each wastewater treatment plant. The above limits apply at the point where the wastewater is discharged to the collection system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The control authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2.5. Control authority's right of revision.

The control authority reserves the right to establish, by article or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW that provides treatment.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-2.6. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-3. Pretreatment of wastewater.

Sec. 18-3.1. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 18-2.1 of this article within the time limitations specified by EPA, the state, or the control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the control authority for review, and shall be acceptable to the control authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority under the provisions of this article.

When required by the control authority, a significant industrial user shall install a suitable control manhole or sampling box, sampling chamber and flow measurement device to facilitate observation, sampling and measurement of wastestream. Such facilities shall meet the requirements of applicable local code[s] and ordinances. Plans and specifications for such facilities shall be submitted to the control authority for approval sixty (60) days after receiving notification from the control authority of the requirement. The facilities shall be constructed and in operation within one hundred twenty (120) days after the approval of the plans and specifications. Failure to comply with the time schedules detailed in this section will result in the control authority's rejection of the wastewater for treatment at the wastewater treatment plant by terminating service or other means deemed appropriate by the control authority.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-3.2. Additional pretreatment measures.

- (a) Whenever deemed necessary, the control authority may require industrial users to restrict their discharge to during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this article.
- (b) The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the control authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-3.3. Accidental discharge/slug discharge control plans.

The control authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The control authority may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the control authority may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by section 18-6.6 of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-3.4. Hauled wastewater.

Hauled wastewater may be accepted into the POTW. If so, the following conditions shall apply:

- (1) Septic tank waste shall be introduced into the POTW only at locations designated by the control authority, and at such times as are established by the control authority. Such waste shall not violate

section 18-2 of this article or any other requirements established by the control authority. The control authority may require septic tank waste haulers to obtain individual wastewater discharge permits

- (2) The control authority may require haulers of industrial waste to obtain individual wastewater discharge permits. The control authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The control authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (3) Industrial waste haulers shall discharge loads only at locations designated by the control authority. No load may be discharged without prior consent of the control authority. The control authority may collect samples of each hauled load to ensure compliance with applicable standards. The control authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4. Individual wastewater discharge permits.

Sec. 18-4.1. Wastewater analysis.

When requested by the control authority, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The control authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.2. Individual wastewater discharge permit requirement.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the control authority, except that a significant industrial user that has filed a timely application pursuant to section 18-4.3 of this article may continue to discharge for the time period specified therein.
- (b) The control authority may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this article.
- (c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in sections 18-10, 18-11, and 18-12 of this article. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.3. Individual wastewater discharge permitting: existing connections.

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an individual wastewater discharge permit in accordance with section 18-4.5 of this article, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this article except in accordance with an individual wastewater discharge permit issued by the control authority.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.4. Individual wastewater discharge permitting: New connections.

Any user required to obtain an individual wastewater discharge permit, who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with section 18-4.5 of this article, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.5. Individual wastewater discharge permit application contents.

- (a) All users required to obtain an individual wastewater discharge permit must submit a permit application. The control authority may require users to submit all or some of the following information as part of a permit application:
- (1) Identifying information.
 - a. The name and address of the facility, including the name of the operator and owner.
 - b. Contact information, description of activities, facilities, and plant production processes on the premises;
 - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of operations.
 - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - d. Type and amount of raw materials processed (average and maximum per day);
 - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (4) Time and duration of discharges;
 - (5) The location for monitoring all wastes covered by the permit;

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- (6) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in section 18-2.2(3) (referencing 40 CFR 403.6(e)).
 - (7) Measurement of pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the control authority, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 18-6.10 of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard.
 - e. Sampling must be performed in accordance with procedures set out in section 18-6.11 of this article.
 - (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on section 18-6.4 (b) (referencing 40 CFR 403.12(e)(2)).
 - (9) Any other information as may be deemed necessary by the control authority to evaluate the permit application.

(b) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.6. Reserved.

Sec. 18-4.7. Application signatories and certifications.

- (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user (see definition in section 18-1.4) and contain the certification statement in section 18-6.14(a).
- (b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

A facility determined to be a non-significant categorical industrial user by the control authority pursuant to section 18-1.4 must annually submit the signed certification statement in section 18-6.14(b).

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-4.8. Individual wastewater discharge permit decisions.

The control authority will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete permit application, the control authority will determine whether to issue an individual wastewater discharge permit. The control authority may deny any application for an individual wastewater discharge permit.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5. Individual wastewater discharge permit issuance.

Sec. 18-5.1. Individual wastewater discharge permit duration.

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the control authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5.2. Individual wastewater discharge permit contents.

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (1) Individual wastewater discharge permits must contain the following:
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the control authority in accordance with section 18-5.5 of this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - c. Effluent limits, including best management practices, based on applicable pretreatment standards;
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
 - e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
 - f. Requirements to control slug discharge, if determined by the control authority to be necessary.
- (2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit;
 - h. The control authority shall provide public notice of the issuance of a wastewater discharge permit. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted. Any person, including the user, may petition the control authority to reconsider the terms of a wastewater discharge permit within thirty (30) days of receipt of its issuance.
 - 1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - 2. In its petition, the appealing party must indicate the individual wastewater discharge permit, provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.
 - 3. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.
 - 4. If the control authority fails to act within forty-five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
 - i. Other conditions as deemed appropriate by the control authority to ensure compliance with this article, and state and federal laws, rules, and regulations.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-5.3. Reserved.

Sec. 18-5.4. Permit modification.

The control authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the control authority's POTW, personnel, the receiving waters; or to the POTW's beneficial sludge use.
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and 9 VAC 25-31-850;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 18-5.5.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5.5. Individual wastewater discharge permit transfer.

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the control authority and the control authority approves the individual wastewater discharge permit transfer. The notice to the control authority must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5.6. Individual wastewater discharge permit revocation.

The control authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;

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- (2) Failure to provide prior notification to the control authority of changed conditions pursuant to section 18-6.5 of this article;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) Falsifying self-monitoring reports and certification statements;
 - (5) Tampering with monitoring equipment;
 - (6) Refusing to allow the control authority timely access to the facility premises and records;
 - (7) Failure to meet effluent limitations;
 - (8) Failure to pay fines;
 - (9) Failure to pay sewer charges;
 - (10) Failure to meet compliance schedules;
 - (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Individual wastewater discharge permits shall be voidable, at the control authority's discretion, upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are deemed void upon the issuance of a new individual wastewater discharge permit to that user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5.7. Individual wastewater discharge permit reissuance.

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 18-4.5 of this article, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing individual wastewater discharge permit.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-5.8. Regulation of waste received from other jurisdictions.

- (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the control authority shall enter into an intermunicipal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a), above, the control authority shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the control authority may deem necessary.
- (c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

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- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in section 18-2.4 of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the municipality's ordinance or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing municipality and the control authority;
 - (4) A requirement for the contributing municipality to provide the control authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the control authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and
 - (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
- (d) Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality in which the POTW is located has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6. Reporting requirements.

Sec. 18-6.1. Baseline monitoring reports.

Users that become subject to new or revised categorical pretreatment standards are required to comply with the following reporting requirements even if they have been designated as non-significant categorical industrial users.

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to a control authority POTW shall submit to the control authority a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the control authority a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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- (2) Users described above shall submit the information set forth below.
- a. All information required in sections 18-4.5(a)(1)a., (2), (3)a., and (a)(6).
 - b. *Measurement of pollutants.*
 1. The user shall provide the information required in section 18-4.5(a)(7)(a) through (d).
 2. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority;
 4. Sampling and analysis shall be performed in accordance with section 18-6.10;
 5. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
 - c. *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in section 18-1.4 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - d. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 18-6.2 of this article.
 - e. *Signature and report certification.* All baseline monitoring reports must be certified in accordance with section 18-6.14(a) of this article and signed by an authorized representative as defined in section 18-1.4(c).

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.2. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 18-6.1(2)(d) of this article:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not

limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.3. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in section 18-4.5(a)(6) and (7), and section 18-6.1(2)b. of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 18-2.2 (See 40 CFR 403.6(c)), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 18-6.14(a) of this article. All sampling will be done in conformance with section 18-6.11.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.4. Periodic compliance reports.

All SIUs are required to submit periodic compliance reports even if they have been designated a non-significant categorical industrial user under the provisions of section 18-6.4(3).

- (1) Except as specified in section 18-6.4(3), all significant industrial users must, at a frequency determined by the control authority submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user.
- (2) The control authority may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. (9 VAC 25-31-840 E.2) This authorization is subject to the following conditions:

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- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See section 18-4.5(a)(8).
 - c. In making a demonstration that a pollutant is not present, the Industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - d. The request for a monitoring waiver must be signed in accordance with section 18-1.4, and include the certification statement in section 18-1.14(a) (40 CFR 403.6(a)(2)(ii)).
 - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - f. Any grant of the monitoring waiver by the control authority must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for three (3) years after expiration of the waiver.
 - g. Upon approval of the monitoring waiver and revision of the user's permit by the control authority, the industrial user must certify on each report with the statement in section 18-6.14(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
 - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of section 18-6.4(a), or other more frequent monitoring requirements imposed by the control authority, and notify the control authority.
 - i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (3) The control authority may reduce the requirement for periodic compliance reports [see section 18-6.4(a)(40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA/state, where the industrial user's total categorical wastewater flow does not exceed any of the following:
- a. Twenty thousand(20,000) gallons per day, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches
 - b. 0.01 percent of the design dry-weather organic treatment capacity of the POTW]; and
 - c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with section 18-2.4 of this article.

Reduced reporting is not available to industrial users that have in the last two (2) years been in significant noncompliance, as defined in section 18-9 of this article. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that

vary so significantly that, in the opinion of the control authority, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

- (4) All periodic compliance reports must be signed and certified in accordance with section 18-6.14(a) of this article.
- (5) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (6) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the control authority, using the procedures prescribed in section 18-6.11 of this article, the results of this monitoring shall be included in the report.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.5. Reports of changed conditions.

Each user must notify the control authority of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (1) The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 18-4.5 of this article.
- (2) The control authority may issue an individual wastewater discharge permit under section 18-5.7 of this article or modify an existing wastewater discharge permit under section 18-5.4 of this article in response to changed conditions or anticipated changed conditions.
 - a. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater; and the discharge of any previously unreported pollutants.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.6. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, users shall immediately telephone and notify the control authority and the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, time potential problematic discharge began, and corrective actions taken by the user. An example of the phone message is as follows:

"My name is _____ from Bedford Company, located at 1036 USA Boulevard, Bedford. I am calling to report an accidental spill discharge of approximately _____ gallons of _____. The facility has taken immediate action to stop (or minimize) the discharge by (describe actions taken). The facility will be following up this notification with a written report within the next five (5) days."

- (b) Within five (5) days following such discharge, the user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage,

or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.7. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the control authority as the control authority may require.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.8. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the control authority performs sampling at the user's facility at least once a month, or if the control authority performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the control authority receives the results of this sampling, or if the control authority has performed the sampling and analysis in lieu of the industrial user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.9. Notification of the discharge of hazardous waste.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 18-6.5 of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 18-6.1, 18-6.3, 18-6.4 of this article.
- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of

nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.10. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties approved by EPA.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.11. Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (1) Except as indicated in paragraphs (2) and (3) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the control authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 18-6.1 and 18-6.3 (referencing 40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples

must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the reports required by section 18-6.4 (referencing 40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.12. Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.13. Recordkeeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under section 18-2.4. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-6.14. Certification statements.

- (a) *Certification of permit applications, user reports and initial monitoring waiver.* The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 18-4.7; users submitting baseline monitoring reports under section 18-6.1(2)e.; users submitting reports on compliance with the categorical pretreatment standard deadlines under section 18-6.3; users submitting periodic compliance reports required by section 18-6.4 (a) through (d), and users submitting an initial request to forego sampling of a pollutant on the basis of section 18-6.4(2)d. The following certification statement must be signed by an Authorized Representative as defined in section 18-1.4:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (b) *Annual certification for non-significant categorical industrial users.* A facility determined to be a non-significant categorical industrial user by [the superintendent] pursuant to section 18-1.4 and section 18-4.7 must annually

submit the following certification statement signed in accordance with the signatory requirements in section 18-1.4. This certification must accompany an alternative report required by the control authority:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in section 18-1.4;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period."

This compliance certification is based on the following information.

- (c) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on section 18-6.4(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 18-6.4.(1)."

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-7. Compliance monitoring.

Sec. 18-7.1. Right of entry: Inspection and sampling.

The control authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any individual wastewater discharge permit or order issued hereunder. Users shall allow the control authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the control authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The control authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The control authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be born by the user.

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- (5) Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this article.
 - (6) The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the control authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the control authority to perform independent monitoring activities.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-7.2. Search warrants.

If the control authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the water authority designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the water authority may seek issuance of a search warrant from the Circuit Court of Bedford County.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-8. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-9. Publication of users in significant noncompliance.

The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month

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- period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in section 18-1.4;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by section 18-1.4 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a pretreatment standard or requirement as defined by section 18-1.4 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the control authority's exercise of its emergency authority to halt or prevent such a discharge;
 - (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation(s), which may include a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10. Administrative enforcement remedies.

Sec. 18-10.1. Notification of violation.

When the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may take such steps as dictated by each POTW's enforcement response plan (ERP) to notify said user and effect an appropriate correction and remediation of the violation. Within the specified number of days of the receipt of this notice (said time shall be in accordance with respective POTW's ERP) an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.2. Consent orders.

The control authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 18-10.4 and 18-10.5 of this article and shall be judicially enforceable.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.3. Show cause hearing.

The control authority may order a user which has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in section 18-1.4 and required by section 18-4.7(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.4. Compliance orders.

When the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may issue an order to the user, responsible for the discharge directing that the user, come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.5. Cease and desist orders.

When the control authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and

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- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.6. Administrative fines.

- (a) When the control authority finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may fine such user in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per day; such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half (1.5) percent per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the control authority to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the control authority may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The control authority may add the costs of preparing administrative enforcement actions, such as notices, legal fees, and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-10.7. Emergency suspensions.

The control authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any user notified of a suspension of its right to discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individual. The control authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless termination proceedings are initiated against the user.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 18-10.3 of this article why the proposed action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-11 Judicial enforcement remedies.

Sec. 18-11.1. Injunctive relief.

When the control authority finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the Bedford County Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-11.2. Civil penalties.

- (a) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of two thousand five hundred dollars (\$2,500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The control authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by control authority.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-11.3. Criminal prosecution.

- (a) A user who willfully or negligently violates any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.
- (b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

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- (c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.
 - (d) In the event of a second conviction, a user shall be punished be guilty of a Class 1 misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-11.4. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the specific POTW's enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one (1) enforcement action against any noncompliant user.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-12 Supplemental enforcement action.

Sec. 18-12.1. Performance bonds.

The control authority may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Bedford Regional Water Authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-12.2. Liability insurance.

The control authority may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-12.3. Payment of outstanding fees and penalties.

The control authority may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this article, a previous individual wastewater discharge permit, or order issued hereunder.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-12.4. Water supply severance.

Whenever a user has violated or continues to violate any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-13 Affirmative defenses to discharge violations.

Sec. 18-13.1. Upset.

- (a) For the purposes of this section, "*upset*" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.
- (c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the control authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or

an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-13.2. Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 18-2.1(a) of this article or the specific prohibitions in section 18-2.1(b)(3) through (17) of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-13.3. Bypass.

(a) For the purposes of this section,

- (1) *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) Bypass notifications.

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass.

- (1) Bypass is prohibited, and the control authority may take an enforcement action against a user for a bypass, unless
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under paragraph (c) of this section.
- (2) The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three (3) conditions listed in paragraph (d)(1) of this section.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-14. Miscellaneous provisions.

Sec. 18-14.1. Pretreatment charges and fees.

The control authority may adopt reasonable fees for reimbursement of costs of setting up and operating the control authority's pretreatment program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Fees to recover administrative and legal costs (not included in section 18-14.1(5) associated with the enforcement activity taken by the control authority to address IU noncompliance; and
- (6) Other fees as the control authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the control authority.
- (7) User charges and strong waste surcharges. For the central WWTP:
 - a. It is the purpose of user charges and strong waste surcharges established in accordance with this article to generate revenues for the operation of the POTW and its associated collection system. It is further the purpose of these charges to collect these revenues from the user in proportion to the benefits that each user receives.
 - b. In determining the annual expenses to operate and maintain the control authority's central WWTP and collection system the control authority shall include, but not be limited to, employee salaries, insurance, and fringe benefits; maintenance supplies; power and fuel; wastewater treatment chemicals; contracted professional engineering, laboratory, and legal services; facility and equipment replacement costs; debt service including principal, interest, and reserve; and facility and equipment repairs. To determine the annual revenue requirement, the control authority shall also consider facility improvements covered by debt financing.
 - c. To allocate revenues for the operation and maintenance of the control authority's central wastewater collection system and WWTP, the control authority shall follow the general principles outlined below:

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1. Operation and maintenance expenses are primarily related to the volume and strength of the wastewater received. These costs should be recovered from the current users of the system. Where all wastewater is the same strength, the costs shall be directly related to volume. Where wastewater varies in strength, the difference in strength shall be considered when allocating costs.
 2. Annual expenses for the collection system are primarily related to volume. Therefore that portion of the user charge for the collection system shall be based upon volume, or flow rate.
 3. Annual expenses for the treatment facility are related to volume and wastewater strength, with the strength based on BOD₅, suspended solids, oil & grease, and COD. User charges and surcharges will incorporate these factors.
 4. The user charge will be reviewed annually in accordance with the procedures outlined in this section.
 5. Surcharges will be calculated upon that portion of wastewater strength exceeding the normal concentration of wastewater. The existing surcharge ranges at the central WWTP and the Lynchburg WWTP can be found in Appendix A of this article. The calculated difference between sample analysis and the normal range multiplied by the cost factor associated with each parameter multiplied by the volume of discharge will determine a user's surcharge amount.
 6. Any user who feels his user charge is unjust and inequitable may make written application to the administrator requesting a surcharge review. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge was based, including how the measurements or estimates were made.
 7. Review of the request shall be made by the control authority and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing period.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-14.2. Severability.

If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-15. Effective date.

This article shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-16. Appendix A specific limits applicable to each wastewater facility.

The limits shown below are unique to each facility and may be revised administratively from time to time as circumstances warrant:

Parameter mg/L unless noted	Central WWTP Daily Max. (Surcharge Range in the Town of Bedford)	Lynchburg Regional WWTP
pH range (SU)	5.5—12.5	5 - No upper limit
BOD	1000 (300—1000)	300 (surcharge on anything greater)
COD	2000 (1000—2000)	
TSS	1000 (350—1000)	400 (surcharge on anything greater)
Oil & Grease	350 (100—350)	< 100
Ammonia	100	
Total Cadmium	0.0691	
Total Copper	0.2384	
Total Mercury	0.0004	
Total Nickel	1.0051	
Total Zinc	0.3935	
Total Phosphorus		< 15
Nitrogen Kjeldahl		< 18
Lead	0.0938	

Secs. 18-17—18-40. Reserved.

ARTICLE II. STORMWATER DISCHARGES

Sec. 18-41. Discharge of storm water and other drainage.

No person shall discharge into public sanitary sewers:

- (1) Storm water, surface water, groundwater, roof runoff or subsurface drainage.
- (2) Other drainage.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-42. Purpose.

It is the policy of this county and the purpose of this article to establish a separate procedure for the enforcement of the Sewer Use Ordinance (Article I of Chapter 18 of the Bedford County Code) arising from the actual or potential illegal discharge of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system. The inflow or infiltration of storm water into the public sewer system constitutes a direct threat to public health, safety and welfare, since the discharge or infiltration overloads the public sewer system, thereby causing sewer overflows and sewer backups into homes and businesses. This discharge or infiltration increases the cost and expense to all sewer users and all county citizens, since overloads to the sewer system results in higher operating costs at the regional sewage treatment plant and higher capital costs for expansions of the public sewer system.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-43. Determination by administrator.

- (a) The administrator, or his designee, shall be vested with the authority and responsibility to enforce the provisions of this article and to make determinations with respect to the actual or potential illegal or improper discharge, inflow or infiltration of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system.
- (b) A determination with respect to an actual or potential illegal or improper discharge, inflow or infiltration of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system from the property sewer user or any other person shall be based upon the following:
 - (1) *"Category I defects"* are defined as:
 - a. Direct connections (inflow) to the public sewer of sump pumps (including overflow), holes in the floor drains, downspouts, foundation drains, and other direct sources of inflow (including but not limited to visible evidence of ground/surface water entering drains through doors or cracks in the floor and walls) as noted during field inspection by the BRWA.
 - 1. Sump pumps shall not receive unpolluted water from any outside sources, such as washing machines, laundry tubs, floor drains, or any other source, and be allowed to pump these outside sources back into the public sanitary sewer system, unless approved by the administrator, or his designee.
 - b. Failure to allow or complete required inspection(s) to determine compliance.
 - (2) *"Category II defects"* are defined as leaking or sheared laterals or any other sources of infiltration as noted during field inspections by the BRWA.
 - (3) *"Category III defects"* are considered to be potential or minor defects that do not adversely affect the sanitary sewer system at the present time.
- (c) The administrator, or his designee, shall provide written notice by certified mail to the user, property owner or other responsible person of any violation of this article or of section 18-16 of this Code. The notice shall describe the nature of the violation, the corrective measures necessary to achieve compliance, the time period for compliance, the amount of monthly surcharge until corrected, and the appeals process.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-44. Surcharge; disconnection.

- (a) For structures or property with actual or potential discharge, considered to be a Category I defect, the sewer user, property owner or other responsible person shall be given six (6) months to correct the illegal or improper activities or facilities contributing to the discharge, infiltration or inflow into the public sanitary sewer system. If corrective measures to eliminate the illegal or improper discharge, infiltration or inflow into the public sanitary sewer system are not completed and approved by the administrator, or his designee, within six (6) months from the date of the notice provided in section 18-42.2(c), then the BRWA shall impose upon the sewer user, property owner or other responsible person a monthly surcharge in the amount of one hundred dollars (\$100.00) per month until the required corrective measures are completed and approved. If the property owner or responsible party fails to pay the monthly surcharge when due and payable, then the BRWA shall terminate the water and sewer connections and service to the property, and disconnect the customer from the system. During and after periods of heavy rainfall resulting in actual or potential inflow or infiltration in

excess of two hundred (200) gallons per day, the administrator may in his discretion temporarily terminate the sewer connection to protect the public sewer system and other sewer users.

- (b) For structures or property with actual or potential discharge, considered to be a Category II defect, the sewer user, property owner or other responsible person shall be given six (6) months to correct the actual or potential illegal or improper activities or facilities contributing to the discharge, infiltration or inflow into the public sanitary sewer system. If corrective measures to eliminate the actual or potential illegal or improper discharge, infiltration or inflow into the public sanitary sewer system are not completed and approved by the utility director, or his designee, within six (6) months from the date of the notice provided in section 18-19(c), then the BRWA shall impose upon the sewer user, property owner or other responsible person a monthly surcharge in the amount of fifty dollars (\$50.00) per month until the required corrective measures are completed and approved. If the property owner or responsible party fails to pay the monthly surcharge when due and payable, then the BRWA shall terminate the water and sewer connections and service to the property, and disconnect the customer from the system. During and after periods of heavy rainfall resulting in actual or potential inflow or infiltration in excess of two hundred (200) gallons per day, the administrator may in his discretion temporarily terminate the sewer connection to protect the public sewer system and other sewer users.
- (c) For structures or property with actual or potential discharge considered to be a Category III defect, the sewer user, property owner or other responsible person shall be notified of the results of the inspection. Repairs of these defects will be considered voluntary at this time. Properties with category III defects will continue to be monitored and if the administrator, or his designee determine that the condition changes, the responsible person shall be so notified.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-45. Review of corrective measures.

The sewer user, property owner or other responsible person shall correct the actual or potential illegal or improper activities or facilities contributing to the discharge, infiltration, or inflow into the public sanitary sewer system. These corrective measures to eliminate the actual or potential illegal or improper discharge, infiltration, or inflow into the public sewer system shall be taken upon notice from the utility director or his designee. Once these corrective measures have been implemented, the sewer user, property owner, or other responsible person shall request in writing that the utility director or his designee inspect the corrective measures to verify compliance with this chapter.

Any monthly surcharge imposed by the provisions of this article, or any termination of water and sewer service arising from a failure to pay the monthly surcharge, shall continue until the utility director or his designee determines that the corrective measures are in compliance with the provisions of this chapter.

If water and sewer services have been terminated under this article, the sewer user, property owner, or other responsible person may request resumption of water and sewer service as follows:

- (1) By taking the corrective measures specified in the notice, and by eliminating the actual or potential discharge, infiltration, or inflow into the public sanitary sewer system.
- (2) By requesting an inspection and determination by the utility director or his designee as provided in this section.
- (3) By submitting a written request to the utility director requesting reinstatement of public water and sewer services and verifying that all standards of this chapter have been satisfied.

(Ord. No. O081015-19, 8-10-2015)

Secs. 18-46—18-70. Reserved.

ARTICLE III. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

Sec. 18-71. Definitions.

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. An approved air-gap separation shall be a distance of at least two (2) times the diameter of the supply pipe measured vertically above the top rim of the vessel - with a minimum distance of one (1) inch, using whichever measurement is greater.

Authority means the Bedford Regional Water Authority

Auxiliary water system means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

Backflow means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

Backflow prevention by separation ("separation") means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a non-potable system or one of questionable quality.

Backflow prevention device ("device") means any approved device intended to prevent backflow into a waterworks.

Backpressure backflow means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

Backsiphonage backflow means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

Consumer means person who consumes or uses water from a waterworks.

Consumer's water supply system ("consumer's system") means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Containment means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the service connection.

Contaminant means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

Cross connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard means either a high, moderate or low hazard based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure

or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Distribution main means a water main whose primary purpose is to provide treated water to service connections.

Division means the Commonwealth of Virginia, Virginia Department of Health, Office of Drinking Water.

Double gate-double check valve assembly means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for moderate or low hazard situations, composed of two independently operating, spring-loaded check valves, tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

Entry point means the place where water from the source is delivered to the distribution system.

Health hazard means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Human consumption means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene (see Title 32.1, Article 2, Code of Virginia, 1950, as amended).

Isolation means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

Maximum contaminant level means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate consumer of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the consumer, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL) meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

Plumbing fixture means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

Pollution means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Premise(s) means a piece of real estate; house or building and its land.

Pressure vacuum breaker means an approved assembly designed to prevent backsiphonage backflow and used for high, moderate, or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located test cocks.

Process fluids means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated water,

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- (2) Process waters,
 - (3) Used water, originating from the waterworks, which may have deteriorated in sanitary quality.
 - (4) Cooling waters,
 - (5) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,
 - (6) Chemicals in solution or suspension, and
 - (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for firefighting purposes.

Potable water means water fit for human consumption that is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts or legally defined maximum limits, and adequate in quantity and quality for the minimum health requirements of the persons served.

Reduced pressure principle backflow prevention device (RPZ device) means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high, moderate, or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

Service connection means the point of delivery of water to the consumer.

System hazard means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer's water supply system.

Used water means water supplied from the waterworks to a consumer's water supply system after it has passed through the service connection.

Water supply means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

Waterworks means a system that serves piped water for human consumption to at least fifteen (15) service connections, or twenty-five (25) or more individuals for at least 60 days out of the year. "Waterworks" includes all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, Code of Virginia, 1950, as amended).

Waterworks consumer means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which supplies or proposes to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, Code of Virginia, 1950, as amended).

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-72. Purpose.

- (a) The purpose of this "Cross-Connection Control Ordinance" is to define the authority of the Bedford Regional Water Authority as the water purveyor in the elimination or isolation of all cross-connections within its public water supply. This article is directed at service line protection (containment).

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- (b) This article will comply with the Federal Safe Drinking Water Act of 1974, applicable Statues of Virginia, and Waterworks Regulations, Virginia Department of Health, entitled "Cross-Connection Control and Backflow Prevention in Waterworks."

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-73. Objectives of this article.

- (a) The specific objectives of the "Cross-Connection Control Ordinance" for the Bedford Regional Water Authority are as follows:
- (1) To protect the public potable water supply operated and maintained by the Bedford Regional Water Authority against actual or potential or potential contamination by isolating within the consumers private water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water system.
 - (2) To eliminate or control existing cross-connections, actual or potential, between the consumers' in-plant potable water system(s) and non-potable or industrial piping system(s).
 - (3) To provide a continuing program of inspection for cross-connections control that will systematically and effectively control all actual or potential cross-connections that may be installed in the future.
- (b) All cross-connection control devices or assemblies, in existence prior to adoption of this article, shall be subject to the regulations imposed in this article.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-74. Administration.

- (a) The Bedford Regional Water Authority director, herein called the executive director, shall administer and enforce the provisions of this article under the direction of the county administrator.
- (b) It shall be the duty of the executive director to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the executive director in a cross connection control and backflow prevention program (program) approved by the Commonwealth of Virginia, Department of Health, Office of Drinking Water.
- (c) The responsibility to carry out the program lies with the water and wastewater operations manager or his/her designee.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-75. Enforcement of the article.

- (a) Upon request, the consumer or occupants of property served shall furnish to the water and wastewater operations manager or his/her designee pertinent information regarding the consumer's water supply system or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.

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- (b) Notice of violation. Any consumer's water supply system found to be in violation of any provision of this article shall cause a notice of violation to be provided to the consumer at the premises at which the violation exists. Such notice may be mailed to the address of the consumer shown on records of the Bedford Regional Water Authority or personally served upon the consumer, The notice shall be signed by the assistant executive director, and may require any or all of the following actions to be completed by a date certain, which date shall, except in circumstances deemed by the assistant executive director to constitute an imminent and substantial endangerment to public health, be not less than fourteen (14) calendar days and not to exceed thirty (30) calendar days from the date the notice was issued: (i) the cessation of correction of the violation; (ii) the acquisition and installation of additional material, equipment, supplies or personnel to ensure that the violation does not occur; (iii) the submission of a certified plan to prevent future violations, which plan shall be prepared by a professional engineer licensed to practice in the Commonwealth of Virginia; or (iv) any other corrective action deemed necessary for compliance with this article.
- (c) Penalties.
- (1) In the event the consumer or occupant fails to comply with the terms of the notice of violation, the executive director may cause water service to the premises to be terminated. Where a violation constitutes an imminent and substantial endangerment to public health, the executive director shall terminate water service. the cost of disconnection and reconnection shall be paid by the consumer prior to restoration of water services to the premises.
- (2) In addition to disconnection of water service as set forth in this section, and not in lieu thereof, any consumer of properties served by a connection to the waterworks found guilty of violating any of the provisions of this article, or any written order of the county administrator in pursuance thereof, shall be deemed guilty of a Class 3 misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this article. The penalties provided in this section shall be in addition to, and not in lieu of, any other remedies for which provision is made in this article, or those which are available at law or in equity.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-76. Right of entry.

- (a) Authorized representative(s) from the Bedford Regional Water Authority shall have the right to enter, upon presentation of proper credentials and identification, any building, structure or premises at reasonable times, to perform any duty imposed by this article. Those duties shall include, but are not limited to, taking photographs and video, sampling and testing water, and/or inspections and observations of all piping systems connected to the public water supply.
- (b) Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with security guards so that upon presentation of suitable identification, Bedford Regional Water Authority personnel will be permitted to enter, without delay, for purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.
- (c) Upon request, the consumer shall furnish to the Bedford Regional Water Authority any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-77. Responsibilities of the Bedford Regional Water Authority (BRWA) and water and wastewater operations manager

Effective cross connection control and backflow prevention requires the cooperation of the BRWA, executive director, assistant executive director, water & wastewater operations manager or his/her designee, the consumer(s) of the property served, the building official and the backflow prevention device tester.

The program shall be carried out in accordance with the Commonwealth of Virginia, Department of Health, Waterworks Regulations and shall as a minimum provide containment of potential contaminants at the consumer's service connection.

- (1) The BRWA has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.
- (2) The consumer of the property served and the BRWA have shared responsibility for water quality. The BRWA ensures the consumer is compliant with the cross-connection control and backflow prevention program. The consumer is responsible for the construction, maintenance, and operation of the water supply system from the service connection to the free flowing outlet.
- (3) The operations manager or his/her designee shall, to the extent of their jurisdiction, provide continuing identification and evaluation of all cross connection hazards. This shall include an assessment of each consumer's water supply system for cross connections to be followed by the requirement, if necessary, of installation of a backflow prevention device or separation.
- (4) In the event of the backflow of pollution or contamination into the waterworks, the operations manager shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The operations manager shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Drinking Water Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10th day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.
- (5) The operations manager shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below ten (10) psi gauge, the executive director may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the executive director.
- (6) In order to protect the occupants of a premise, the water and wastewater operations manager should inform the consumer's water supply system consumer(s) of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollution hazard to the consumer's water supply system or to the waterworks.
- (7) Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the operations manager for ten (10) years.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-78. Responsibilities of the consumer's water supply system consumer.

- (a) The consumer's water supply system consumer(s), at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separations.
- (b) The consumer's water supply system consumer(s) shall provide copies of test results, maintenance records and overhaul records to the operations manager within thirty (30) days of completion of testing or work. Such testing or work shall have been performed by device testers which have obtained a certificate of completion of a course recognized by the American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia Tradesman Certification Program.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-79. Prevention and control measures for containment.

- (a) Service line protection. Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the operations manager a health or pollution hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the operations manager.
- (b) Special conditions.
 - (1) When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected takeoffs.
 - (2) Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.
- (c) A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:
 - (1) Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks consumer).
 - (2) Premises having internal cross connections that, in the judgment of the operations manager may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.
 - (3) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.
 - (4) Premises having a repeated history of cross connections being established or reestablished.
 - (5) Other premises specified by the operations manager where cause can be shown that a potential cross connection hazard not enumerated above exists.

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- (d) Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a minimum of ten (10) psi gauge at the service connection.
- (e) An approved backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system or installed under paragraph (b), special conditions above, serving, but not necessarily limited to, the following types of facilities:
- (1) Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
 - (2) Laboratories;
 - (3) Piers, docks, waterfront facilities;
 - (4) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
 - (5) Food and beverage processing plants;
 - (6) Chemical plants, dyeing plants and pharmaceutical plants;
 - (7) Metal plating industries;
 - (8) Petroleum or natural gas processing or storage plants;
 - (9) Radioactive materials processing plants or nuclear reactors;
 - (10) Car washes;
 - (11) Dry cleaners and laundries;
 - (12) Lawn sprinkler systems, irrigation systems;
 - (13) Fire service systems;
 - (14) Slaughter houses and poultry processing plants;
 - (15) Farms where the water is used for other than household purposes;
 - (16) Commercial greenhouses and nurseries;
 - (17) Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
 - (18) Paper and paper products plants and printing plants;
 - (19) Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
 - (20) Schools or colleges with laboratory facilities;
 - (21) High-rise buildings (four (4) or more stories);
 - (22) Multiuse commercial, office, or warehouse facilities;
 - (23) Others specified by the executive director when reasonable cause can be shown for a potential backflow or cross connection hazard.
- (f) Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall be installed at the service connection or installed under paragraph (b)(1) above, special conditions.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-80. Type of protection required.

The type of protection required shall depend on the degree of hazard which exists or may exist.

The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by back siphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1 shall be used as a guide to determine the degree of hazard for any situation.

- (1) An air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.
- (2) An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.
- (3) Pressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers may be used in low, moderate or high hazard situations subject to backsiphonage only.
- (4) A double gate-double check valve assembly shall not be used in high hazard situations.
- (5) Barometric loops are not acceptable.
- (6) Interchangeable connections or change-over devices are not acceptable.

(Ord. No. O081015-19, 8-10-2015)

Sec. 18-81. Backflow prevention devices and backflow prevention by separation for containment.

- (a) Backflow prevention devices for containment include the reduced pressure principle backflow prevention assembly, the double gate-double check valve assembly, and the pressure vacuum breaker assembly.
- (b) Backflow prevention by separation shall be an air gap or physical disconnection. The minimum air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three (3) times the effective opening away from a wall or similar vertical surface, in which case the minimum air gap shall be three (3) times the effective opening of the outlet. In no case shall the minimum air gap be less than one (1) inch.
- (c) Backflow prevention devices shall be of the approved type and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- (d) Backflow prevention devices shall be installed in a manner approved by the building inspection office and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer's installation instructions. Vertical or horizontal positioning shall be as approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- (e) Existing backflow prevention devices approved by the operations manager prior to the effective date of this article shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements

of sections 18-81(c) and (d) above if the operations manager is assured that the devices will protect the waterworks.

- (f) For the purpose of application to section 18-79(b)(2) special conditions above, point-of-use isolation devices or separations shall be as specified by the operations manager where reasonable assurance can be shown that the device or separation will protect the waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control and Backflow Prevention Program, Appendix A, for Isolation Device Application.
- (g) Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-82. Maintenance and inspection requirements.

- (a) It shall be the responsibility of the consumer's water supply system consumer(s) to maintain all backflow prevention devices or separations installed in accordance with section 18-79 in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.
- (b) Operational testing and inspection schedules shall be established by the operations manager as outlined in the cross connection control program for all backflow prevention devices and separations which are installed at the service connection or installed under special conditions, section 18-79. The interval between testing and inspection of each device shall be established in accordance with the age and condition of the device and the device manufacturer's recommendations. Backflow prevention device and separation inspection and testing intervals shall not exceed one (1) year.
- (c) Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.
- (d) Backflow prevention device testing procedures shall be in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure and the manufacturer's instructions.

(Ord. No. 0081015-19, 8-10-2015)

Sec. 18-83. Periodic testing by the authority.

The operations manager shall institute a program for the periodic testing of required backflow prevention devices by certified backflow prevention device inspectors. No device should require inspection more frequently than once every five (5) years under this program, unless deemed necessary by the authority. The purpose of this program shall be to perform an in-field audit of the accuracy and effectiveness of the required backflow prevention device testing.

TABLE 1: DETERMINATION OF DEGREE OF HAZARD

Premises with the following conditions shall be rated at the corresponding degree of hazard.

High Hazard	The contaminant is toxic, poisonous, noxious or unhealthy
	In the event of backflow of the contaminant, a health hazard would exist
	A high probability exists of a backflow occurrence either by backpressure or by backsiphonage

	The contaminant would disrupt the service of piped water for drinking or domestic use
	Examples—Sewage, used water, non-potable water, auxiliary water systems and toxic or hazardous chemicals
Moderate Hazard	The contaminant would only degrade the quality of the water aesthetically or impair the usefulness of the water
	In the event of backflow of the contaminant, a health hazard would not exist
	A moderate probability exists of a backflow occurrence either by backpressure or by backsiphonage
	The contaminant would not seriously disrupt service of piped water for drinking or domestic use
	Examples—Food stuff, nontoxic chemicals and non-hazardous chemicals
Low Hazard	The contaminant would only degrade the quality of the water aesthetically
	In the event of backflow of the contaminant, a health hazard would not exist
	A low probability exists of the occurrence of backflow
	Backflow would only occur by backsiphonage
	The contaminant would not disrupt service of piped water
	Examples—Food stuff, nontoxic chemicals and non-hazardous chemicals

(Ord. No. O081015-19, 8-10-2015)

Secs. 18-84—18-97. Reserved.

ARTICLE IV. CONSERVATION OF WATER

Sec. 18-98. Conservation of water during emergencies.

- (a) This article shall be known and may be cited as the drought management ordinance.
- (b) Should the board of supervisors, at any time, declare that there is an emergency in the county arising wholly or substantially out of a shortage of water supply, the Bedford County Administrator is hereby authorized during continuation of the water emergency to order the restriction or prohibition of any or all uses of the water supplies. The conditions for the restrictions and/or prohibitions shall be in accordance with the drought response and water conservation plan as established by the Bedford County Public Service Authority. Such conditions may include a staged plan, with each stage having indicators and parameters that trigger the appropriate conservation measure as determined by the authority and the executive director. The restrictions established by the authority may include, but are not limited to the following conditions:
 - (1) Watering of outside shrubbery, trees, lawn, grass, plants, home vegetable gardens, or any other vegetation, except from a watering can or other container not exceeding three (3) gallons in capacity. This limitation shall not apply to commercial greenhouses or nursery stocks, which may be watered in the minimum amount required to preserve plant life before 7:00 a.m. or after 8:00 p.m.
 - (2) Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.

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- (3) Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.
 - (4) The operation of any ornamental fountain or other structure making a similar use of water.
 - (5) The filling of swimming or wading pools requiring more than five (5) gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two (2) feet below normal, or water may be added to bring the level to two (2) feet below normal, or as necessary to protect the structure from hydrostatic damage, for pools constructed or contracted for, on or before the effective date the declaration of emergency restrictions.
 - (6) The use of water from fire hydrants for any purpose other than fire suppression, unless otherwise approved by the county administrator or the executive director of the authority.
 - (7) The serving of drinking water in restaurants, except upon request.
 - (8) The operation of any water-cooled comfort air conditioning that does not have water conserving equipment in operation.
 - (9) Any additional water use restriction deemed necessary.
- (c) Upon implementation of subsection (b) above, the authority shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsection (b) on a case by case basis and, if warranted, to make equitable adjustments to such provisions. The authority shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsection (b). The authority shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions.
 - (d) Should measures taken pursuant to subsection (b) of this section, prove insufficient to preserve sufficient supplies of water for the citizens of the county, the authority and its executive director are hereby further authorized, upon notification and consultation with the board of supervisors, to impose temporary rate increases or surcharges on the consumption of water, to restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond the sanitary and drinking needs of its employees and invitees, to declare a moratorium on new water connections to buildings issued a building permit after the date of declaration of emergency, and to restrict water use to basic human needs only.
 - (e) Any person violating any provision of this section, or any order of the county administrator or the executive director of the authority issued pursuant to the authority granted hereunder, shall be guilty of a class 3 misdemeanor. In addition, the executive director of the authority is hereby authorized to terminate the water service, for the duration of the emergency, to any person convicted of such violation.
 - (f) Nothing in this section shall restrict the authority and its executive director from initiating certain actions to restrict the use of water in any or all of its service areas in accordance with the drought response and water conservation plan of the authority.
 - (g) Nothing in this section shall be construed to prohibit the County Administrator and the executive director of the Bedford County Public Service Authority from rescinding any orders issued when the conditions creating the need for such orders have abated.
 - (h) Nothing in this section shall be construed to prohibit the Bedford County Public Service Authority and its Executive Director from exercising any and all powers and taking any and all actions authorized by the Virginia Water and Waste Authorities Act; Code of Virginia, § 15.2-5100, et al.

(Ord. No. O-1208-256, 12-8-2008) State law reference(s)—Code of Virginia, § 15.2-924.

Chapter 30 ZONING

Chapter 31 SUBDIVISION ORDINANCE