

## **Sec. 2-363.1. Courthouse Maintenance Fees.**

Sec. 2-363.1. Courthouse maintenance fees.

Beginning on July 1, 1990, and continuing thereafter until changed by Council, there is hereby assessed pursuant to the provisions of Section 17.1-281 of the Code of Virginia, 1950, as amended, the sum of two dollars (\$2.00) as part of the fees taxed as costs in each civil action and in each criminal or traffic case filed in the circuit court, family court and the general district court of the City of Lynchburg, Virginia, said fees to be used for the maintenance, repair, and renovation of the courthouse and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and other ordinary maintenance costs. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the finance department and be held by said finance department for the purposes set-forth in this ordinance. (Ord. No. O-90-179, 6-12-90, eff. 7-1-90; Ord. No. O-90-271, 9-11-90; Ord. No. O-12-135, 11-27-12)

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## **Sec. 2-363.2. Courthouse Security Fees.**

Sec. 2-363.2. Courthouse security fees.

Beginning on July 1, 2007, and continuing thereafter until changed by city council, there is hereby assessed pursuant to the provisions of Section 53.1-120 of the Code of Virginia, 1950, as amended, the sum of ten dollars (\$10.00) as part of the costs taxed in each criminal or traffic case in the circuit court, juvenile and domestic relations district court and the general district court of the City of Lynchburg, Virginia, in which the defendant is convicted of a violation of any statute or ordinance, said fees to be used for the provision of courthouse and courtroom security. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the city's billings and collections division and shall be held by the billings and collections division until appropriated by city council to the sheriff's office for the funding of courthouse and courtroom security. (Ord. No. O-02-110, 5-28-02; Ord. No. O-07-051, 4-24-07, eff. 7-1-07)

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# Sec. 5-6. Rates - Generally.

## Sec. 5-6. Rates—Generally.

Effective on January 1, 2012, and for each year thereafter, unless otherwise changed by city council, the following rates for ambulance services shall apply.

(a) The rates to be charged for the transportation of a patient from one (1) point within the city to another point within the city on a non-emergency basis shall be at a base rate of three hundred twenty-five dollars (\$325.00) per trip, and four hundred twenty-five dollars (\$425.00) per trip when such transportation is conducted on an emergency basis; provided, however, that:

(1) In addition to the base charges provided in subsections (a) and (b) of this section there shall also be a charge of nine dollars (\$9.00) for each mile the patient is transported.

(b) Whenever a patient receives advanced life support procedure performed by the emergency medical services personnel, the rate shall be four hundred twenty-five dollars (\$425.00) per patient, if provided on a non-emergency basis; five hundred dollars (\$500.00) if provided on an emergency basis, and seven hundred dollars (\$700.00) if provided on an emergency basis and three (3) or more different medications combined with at least one (1) specialized ALS procedure are administered.

(c) Whenever an ambulance responds to a call for ambulance service, if the patient is evaluated by emergency medical services personnel and receives treatment but no transport occurs, the rate shall be one hundred dollars (\$100.00) per patient. (Code 1959, § 3.1-15.1; Ord. of 12-13-77; Ord. No. O-82-093, § 1, 5-25-82, eff. 7-1-82; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-92-119, 4-28-92; Ord. No. O-93-082, 3-23-93, eff. 7-1-93; Ord. No. O-93-105, 4-27-93; Ord. No. O-94-318, eff. 1-1-95; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-96-140, 5-28-96; Ord. No. O-00-238, 11-14-00, eff. 12-1-00; Ord. No. O-04-062, 6-8-04, eff. 7-1-04; Ord. No. O-11-130, 11-8-11, eff. 1-1-12)

Last updated date: 11/10/2011 9:01:31 AM

## **Sec. 10-20. Fees.**

### Sec. 10-20. Fees.

When a moped is registered, there shall be paid the sum of five dollar (\$5.00). When the registration is changed from one person to another or from one moped to another, there shall be paid the sum of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Said sums shall be paid to the collections division, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this chapter. (Code 1959, § 5.1-8; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Last updated date: 10/23/2006 4:15:21 PM

# **Sec. 11-55. Emergency Repairs.**

Sec. 11-55. Emergency repairs.

The building maintenance official shall have the authority to make emergency repairs to existing structures as expeditiously as possible, and bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such unsafe structure. (Ord. of 10-28-03, O-03-177, eff. 10-1-03)

Last updated date: 10/23/2006 4:15:21 PM

# Sec. 11-167. Inspection Fees.

Sec. 11-167. Inspection fees.

There shall be an inspection fee paid to cover the cost of the initial, follow-up, and periodic inspection's of each residential rental dwelling unit located in those areas of the city covered by this article. For multi-family developments the inspections division shall not charge a fee for more than ten (10) residential rental dwelling units, unless violations of the building code are found affecting the safe, decent and sanitary living conditions for tenants of such multi-family development, the inspections division may inspect as many residential rental dwelling units as necessary to enforce the building code, in which case, the fee shall be based upon a charge per residential rental dwelling unit inspected. The inspection fees will be as established by city council from time to time by resolution and a copy of the schedule of fees will be kept in the office of the inspections division and shall be available for review upon request. No certificate of compliance shall be issued until all inspection fees have been paid and all violations have been corrected. Once a residential rental unit has been inspected it shall be a violation of this article for a property owner or managing agent to rent such residential rental unit without paying the inspection fees and obtaining a certificate of compliance. If the inspection fees are paid by check or draft which is subsequently returned for insufficient funds or because there is no account or the account has been closed, the certificate of compliance shall be revoked and it shall be a violation of this article for a property owner or managing agent to continue to rent the residential rental unit without paying the inspection fees and obtaining a new certificate of compliance. (Ord. of 10-28-03, O-03-177, eff. 10-1-03; Ord. No. O-05-032, 3-8-05; Ord. No. O-08-007, 1-22-08)

Last updated date: 1/25/2008 3:11:22 PM

# **Sec. 11-211. Code Enforcement Fees.**

Sec. 11-211. Code enforcement fees.

No permit shall be issued until the required fees shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the dimensions or size of the building or structure, shall have been paid. The fees for building permits will be as determined by city council from time to time and a copy of the schedule of fees will be kept in the office of the inspections division of community planning and development and shall be available for review upon request. (Ord. of 10-28-03, O-03-177, eff. 10-1-03)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 13-4. Rates for Space.**

Sec. 13-4. Rates for space.

The rates to be charged for stores, stalls and benches in the city market shall be incorporated in the regulations of the city market and before coming effective shall be approved by the city council. (Code 1959, § 8-14)

Last updated date: 10/23/2006 4:15:21 PM

# Sec. 16.3-5. Assessment of Stormwater Utility Charge.

Sec. 16.3-5. Assessment of stormwater utility charge.

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for the stormwater utility by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in Sec. 16.3-4. Utility fees shall be charged to owners or occupants of all developed property in the city.

(a) SFU area established. The single-family unit (SFU) area is hereby established to be 2,672 square feet of impervious surface area.

(b) The utility fee for each property shall be the SFU rate times the stormwater fee factor for each individual property.

(c) The SFU rate shall be \$4.00 per month.

(d) The stormwater fee factor shall be as follows:

Property Type	Impervious Area on Property (in square feet)	Stormwater Fee Factor
Detached single-family residential	Less than 1,300	0.5
Detacted single-family residential	1,301 to 4,300	1.0
Detacted single-family residential	Greater than 4,301	1.6
Duplex		0.5 per unit
Triplex, Quadplex, and Mobile Homes		0.7 per unit
Condominiums and Townhomes		0.33 per unit
Apartments or 5 or more units and all nonresidential property		As defined in 16.3-5 (e)
Undeveloped property		0.0

(e) The stormwater fee factor for apartment properties of 5 or more units and for all nonresidential properties shall be equal to the impervious area of the property in square feet divided by the SFU area of 2,672 square feet, rounded to the nearest 0.1, except that the minimum factor shall be 1.0. For example a nonresidential property of 10,000 square feet of impervious area shall have a stormwater fee factor of 10,000 divided by 2,672, or a stormwater fee factor of 3.7.

(f) The utility fee for unoccupied developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class. (Ord. of 12-13-2011, Ord. No. O-11-138; Ord. No. O-12-040, 4-24-12, eff. 7-1-12)

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## **Sec. 16.3-6. Billing, Payment and Penalties.**

Sec. 16.3-6. Billing, payment and penalties.

(a) The utility fee is to be paid by the owner or occupant of each lot or parcel subject to the utility fee. All properties, except as stated in Sec. 16.3-5, shall be rendered bills or statements for stormwater services. Such bills or statements shall be combined with sewer and water bills levied pursuant to chapters 34 and 39 of the City of Lynchburg Code. For properties which do not receive a water or sewer bill a separate bill for stormwater services will be issued.

(b) All payments received shall first be credited to stormwater charges, and then to the sewer charges and finally to the water charges.

(c) If any such stormwater bill is not paid within five (5) days after due date, it shall be declared delinquent and shall be subject to a penalty of five (5) percent of the amount of the bill. The penalty shall be added to the unpaid bill or subsequent bills.

(d) Whenever the city utilizes the services of an attorney or a collection agency to collect any delinquent fees, rents or charges for the use and services of the city's stormwater system, reasonable attorney's fees or collection agency's fees shall be added to the delinquent bill. The attorney's fees or collection agency's fees shall not exceed twenty (20) percent of the delinquent bill and may be recovered by the city by action at law or suit in equity. Attorney's fees shall be added only if such delinquency is collected by action at law or suit in equity. (Ord. of 12-13-2011, Ord. No. O-11-138; Ord. No. O-12-040, 4-24-12, eff. 7-1-12)

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## **Sec. 18-80. Fee for Passing Bad Checks.**

Sec. 18-80. Fee for passing bad checks.

Any individual, firm, association, partnership or corporation which shall utter, publish or pass any check or draft for payment of taxes or any other sums due the city, which is subsequently returned for insufficient funds or because there is no account or the account has been closed shall be required to pay in addition to the amount of the check or draft a penalty fee of twenty-five dollars (\$25.00) for each bad check or draft so uttered, published or passed. (Code 1959, § 12-54.1; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-98-188, 8-11-98)

Last updated date: 10/23/2006 4:15:21 PM

## Sec. 19-47.2. Fees.

Sec. 19-47.2. Fees.

<b>Index</b>	<b>Section 1 Fire Prevention Fees and Permit Requirements</b>	<b>Fee</b>
108.1.1	Carnival, circus, festival and fairs (30 day permit)	\$50
108.1.1	Explosives: Blasting, each site or location	\$50
108.1.1	Explosives: Storage indoors (1 year permit)	\$50
108.1.1	Flammable/Combustible Liquid Tank Removal (per tank)	\$50
108.1.1	LP-Gas Retail Cylinder Exchange Location	\$50
108.1.1	Open Burning: Recreational Bonfire (5 day permit)	\$50
108.1.1	Place of Assembly – Occupant Load 50 or Greater	\$50
108.1.1	Pyrotechnics & Fireworks: Retail Sale (45 day permit)	\$50
108.1.1	Pyrotechnics & Fireworks: Outdoor Display (1 day Permit)	\$50
108.1.1	Tents, Canopies & Air Supported Structures 700+ Square Feet ( 30 day permit)	\$50

(Ord. of 7-8-08, No. O-08-099)

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## **Sec. 21.2-6. Approved Waste Containers - Generally.**

Sec. 21.2-6. Approved waste containers—generally.

Approved waste containers for city collection shall be city provided waste carts thirty-two (32) gallons or sixty-four (64) gallons in capacity. No container shall be filled to the point of overflowing. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-03-113, 6-10-03, eff. 7-1-03)

Last updated date: 10/23/2006 4:15:21 PM

## Sec. 21.2-31. Disposal Fees.

### Sec. 21.2-31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) a prepaid trash bag displaying the official city logo, (ii) an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii) an approved container displaying a valid city decal, or (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag. Official City refuse tags, annual decals and prepaid trash bags shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of tags, decals or prepaid trash bags will be available for review at the city Collections Division or Public Works Department during regular business hours. Decals will be sold at the Collections Division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee and at such other locations as may be approved by the city manager or his designee.

(b) Tags for approved containers with a volume up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents (\$0.95) per tag. Tags for trash carts with a volume of sixty-four (64) gallons shall cost one dollar and ninety cents (\$1.90) per tag.

(c) Annual decals for once per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost forty dollars (\$40.00) each. Annual decals for once per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost eighty dollars (\$80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<b>Period</b>	<b>Percentage of Full Price</b>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ( $\frac{1}{2}$ ) of a month shall be counted as a full month and a period of less than one-half ( $\frac{1}{2}$ ) of a month shall not be counted.

(d) Prepaid trash bags with a volume up to thirty-two (32) gallons include the costs of disposal of waste material.

(e) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost eighty dollars (\$80.00) each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost one hundred sixty dollars (\$160.00). Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<b>Period</b>	<b>Percentage of Full Price</b>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(f) Prepaid plastic bags with a volume of up to thirty-two (32) gallons or for bundles not to exceed fifty pounds are acceptable containers for disposal.

(g) The owner or operator of any location designated to sell refuse tags, prepaid trash bags or annual decals shall be compensated for accounting and remitting the fee levied for the purchase of the tags or prepaid trash bags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such tags, prepaid trash bags or decals. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the tags, or prepaid trash bags provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of tags, prepaid trash bags and decals are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(h) Beginning October 1, 2012, the city manager or his designee shall have the authority to issue sixty four (64) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief, who own and occupy an existing dwelling as of July 1, 2012, pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens who live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal or refuse tags.

(i) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for tags or prepaid trash bags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(j) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(k) The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(l) The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee. (Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-95-016, 1-10-95; Ord. No. O-95-256, 9-12-95; Ord. No. O-97-201, 9-23-97, eff. 10-1-97; Ord. No. O-98-213, 9-22-98; Ord. No. O-99-044, 3-9-99; Ord. No. O-03-113, 6-10-03, eff. 7-1-03; Ord. No. O-05-163, 12-13-05, eff. 1-1-06; Ord. No. O-07-075, 5-8-07, eff. 7-1-07; Ord. No. O-12-098, 9-11-12)

Last updated date: 10/8/2012 9:22:55 AM

## **Sec. 23.1-13. Itinerant Dealers in Precious Metals and Gems.**

Sec. 23.1-13. Itinerant dealers in precious metals and gems.

(a) The provisions of this chapter shall apply to itinerant dealers in precious metals and gems that do not maintain an established place of business within the city that is regularly open to the public. Because itinerant dealers in precious metals and gems do not have an established place of business within the city some of the provisions of this chapter may not be applicable to them. Therefore, the chief of police or his designee may modify or waive by written notice any of the provisions of this chapter that the chief of police or his designee do not believe can be reasonably applied to itinerant dealers in precious metals and gems; provided, the spirit and intent of this chapter are observed and the regulation of itinerant dealers in precious metals and gems is not compromised.

(b) No itinerant dealer in precious metals and gems shall do any business within the city until such itinerant dealer has applied to the commissioner of the revenue for a business license as required by section 36-126.6 of the city code and paid any business license taxes that may be assessed by the commissioner of the revenue. No permit to deal in precious metals and gems shall be issued by the police department without the itinerant dealer providing proof that he has obtained a business license from the commissioner of the revenue's office. (Ord. of 11-12-02, Ord. No. O-02-209; Ord. No. O-07-156, 11-27-07)

Last updated date: 12/5/2007 9:17:33 AM

## **Sec. 24.1-15. Fees.**

Sec. 24.1-15. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the plat, the subdivider shall deposit with the agent a check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by city council. (Ord. No. O-78-323, 11-14-78; Ord. No. O-88-097, § 1, 5-10-88, eff. 7-1-88; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-95-253, 9-12-95; Ord. No. O-98-124, 6-9-98)

Last updated date: 6/28/2010 11:10:01 AM

## **Sec. 24-13. Rules and Regulations.**

Sec. 24-13. Rules and regulations.

The city manager shall have the right to prescribe reasonable rules, regulations and charges for the use, by the public, of the books, documents writings and other library property in and outside of the library quarters so that the public shall receive the largest use thereof and greatest benefit therefrom consistent with the proper protection and preservation of the library and the increase and expansion thereof. Such rules, regulations and charges shall be valid and binding unless and until otherwise directed by council who shall promptly be furnished with a copy of such rules, regulations and charges and amendments thereto. (Ord. No. O-89-185, § 1, 6-27-89)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 24-14. Library Fees.**

Sec. 24-14. Library fees.

The annual fee for obtaining a nonresident borrower's card shall be twenty-five dollars (\$25.00). (Ord. No. O-89-185, § 1, 6-27-89)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 24-15. Public Law Library Support and Maintenance Fees.**

Sec. 24-15. Public law library support and maintenance fees.

That beginning July 1, 1989, and continuing thereafter until changed by council, there is hereby assessed, pursuant to the provision of section 42.1-70 of the Code of Virginia (1950), as amended, the sum of four dollars (\$4.00) as part of the costs of each civil action filed in the circuit court and the general district court of the city of Lynchburg, Virginia, said assessment to be used for the support and maintenance of said law library which is open to the public.

That the assessments hereby levied shall be collected by the clerks of the respective courts in which the action is filed, and shall be remitted to the finance department and be held by said finance department subject to disbursements by council for the maintenance of said public law library. (Ord. of 3-14-89; Ord. No. O-12-137, 11-27-12)

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## **Sec. 25-169. Reimbursement of Expenses Incurred in Responding to DUI and Related Incidents.**

Sec. 25-169. Reimbursement of expenses incurred in responding to DUI and related incidents.

(a) Any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the city or to any responding volunteer rescue squad, or both, for restitution of reasonable expenses incurred by the city for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office, or by any volunteer rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation and shall also be liable for restitution of reasonable expenses incurred by the city when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office, or by any volunteer rescue squad, or by any combination of the foregoing:

(1) The provisions of Sections 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, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident which required the response of the police, fire or emergency services.

(2) The provisions of Article 7 (Section 46.2-852 et seq.) of Chapter 8 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to reckless driving, when such reckless driving is the proximate cause of the accident which required the response of the police, fire or emergency services.

(3) The provisions of Article 1 (Section 46.2-300 et seq.) of Chapter 3 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to driving without a license or driving with a suspended or revoked license, which required the response of the police, fire or emergency services.

(4) The provisions of Section 46.2-894, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to improperly leaving the scene of an accident which required the response of the police, fire or emergency services.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident. In determining the "reasonable expenses," the city or volunteer rescue squad may bill a flat fee of three hundred and fifty dollars (\$350.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes 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 city for responding law enforcement, fire-fighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the city or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle or other conduct as set forth herein. (Ord. No. O-02-017, 1-22-02; O-09-106, 9-22-09, eff. 11-1-09; Ord. No. O-11-102, 9-13-11)

Last updated date: 9/16/2011 10:12:54 AM

## **Sec. 25-247.1. Restricted or Prohibited Parking Areas.**

Sec. 25-247.1. Restricted or prohibited parking areas.

(a) The city council hereby finds that that the free circulation of traffic through the streets of the city is necessary to the health, safety and general welfare of the public; that over the years the revitalization of the city's central business district has increased the number of residents, customers and visitors in the central business district and has greatly increased the parking of motor vehicles of all kinds on the public streets in the central business district creating parking congestion on the streets in the central business district; and, that such parking congestion prevents the free circulation of traffic in and through the central business district. Therefore, it is the intention of city council to address parking issues in the central business district and to support the recent and planned growth and development in the central business district by providing for the orderly and efficient use of the available parking spaces. This ordinance is adopted pursuant to the authority granted to the city council by Section 46.2-1220 of the Code of Virginia, 1950, as amended.

(b) No person shall park any vehicle in any restricted or prohibited parking area within the central business district for a period of time in excess of the maximum time shown for the parking area as indicated on signs posted on the street where the parking area is located. The central business district is designated as that area of downtown from fifth street to the route 29 business expressway and from clay street to the riverfront.

(c) No person shall park a vehicle within the central business district for longer than the posted time limit on either side of the same street within the same block within an 8 hour period during the same day. For purposes of this section, a "block" is defined as that portion of both sides of the same street between two intersecting streets or what would be the continuation of two intersecting streets. However, parking for longer than the posted time limit in one block does not preclude parking an additional consecutive period of time on another block within the central business district.

(d) The provisions of this section shall apply between the hours designated by the city on all days, except Sundays or on the following holidays: New Year's Day, Martin Luther King Jr.'s birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10; Ord. No. O-11-134, 11-22-11)

Last updated date: 12/2/2011 1:20:35 PM

## **Sec. 25-247.2. Parking Pay Station.**

Sec. 25-247.2. Parking pay station.

(a) No person shall park any vehicle in a parking space for a period of time in excess of the maximum time shown on the parking pay station for the parking space or indicated on signs in the block where the parking pay stations are located, or for a time period in excess of the time limits posted on the street or in a city parking facility.

(b) Within a consecutive time period equal to the time limit posted, no person shall park a vehicle for longer than the posted time limit for the time zone or block.

(c) The provisions of this section shall apply between the hours designated by city council or the city manager on all days, except Sundays or on the following holidays: New Year's Day, Martin Luther King, Jr.'s birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day or as otherwise designated by city council or the city manager.

(d) In absence of other posted limits, parking pay stations shall be presumed to be in operation and require the deposit of the required parking fees between the hours of 7:00 a.m. and 5:00 p.m.

(e) No person shall deposit or cause to be deposited in a parking pay station any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time.

(f) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking pay station or sign installed under this division. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:20 AM

## **Sec. 25-249. Penalty for Violation of Division.**

Sec. 25-249. Penalty for violation of division.

Unless otherwise provided, any person violating the provisions of this division relating to overtime parking shall be punished by a fine of twenty dollars (\$20.00) for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of thirty dollars (\$30.00) for each offense. (Code 1959, §20-151; Ord. of 9-27-77; Ord. No. O-95-070, 3-28-95, eff. 6-1-95; Ord. No. O-97-235, 11-25-97, eff. 1-1-98; O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/26/2010 2:03:12 PM

## **Sec. 25-250. Stopping on Highways - Generally.**

Sec. 25-250. Stopping on highways—Generally.

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street, alleyway or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

(b) Except upon one-way streets, and when actually loading or unloading merchandise as provided in Section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway. In no instance shall such vehicle be parked with the near wheels further than six (6) inches from the curb.

(c) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, not to exceed twenty-five dollars (\$25.00), of the owner of the vehicle if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.

(d) The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways. (Code 1959, § 20-134; Ord. No. O-88-014, § 1, 1-26-88; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:20 AM

## **Sec. 25-256. Parking Prohibited in Specified Places.**

Sec. 25-256. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or where authorized by a traffic-control device, including official signs or pavement markings, in any of the following places:

- (1) On a sidewalk or city trail;
- (2) In front of a public or private driveway so as to block ingress or egress;
- (3) Within an intersection or traveled way;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop or yield sign or traffic-control signal located at the side of a roadway;
- (8) Within fifty (50) feet of the nearest rail of a railroad grade crossing;
- (9) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (11) On the roadway side of any vehicle parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
- (13) At any place where official signs and/or pavement markings prohibit parking;
- (14) Between the street curb, or the edge of the paved portion of the roadway when there is no street curb, and the adjacent sidewalk;
- (15) Between the street curb and the adjacent right-of-way line or sidewalk so as to cause the continual mounting and/or dismounting of the curbing.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (Code 1959, § 20-131; Ord. of 6-12-79; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:19 AM

## **Sec. 25-261. Parking Vehicles without State License on Highways.**

Sec. 25-261. Parking vehicles without state license on highways.

It shall be unlawful to park any vehicle having no current state license on any highway. (Code 1959, § 20-141)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 25-265. Manner of Using Loading Zones.**

Sec. 25-265. Manner of using loading zones.

Where a loading and unloading zone has been set apart by the city manager or his designee in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect.
- (b) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. (Code 1959, § 20-144; Ord. No. O-88-232, 9-13-88; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

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## **Sec. 25-298. Permit Fees.**

Sec. 25-298. Permit fees.

A fee of fifteen dollars (\$15.00) shall be charged each resident for the issuance of one (1) parking permit, and a fee of fifteen dollars (\$15.00) shall be charged each resident for each additional or replacement permit, such fee to be used by the city to defray the cost of the administration and enforcement of the provisions of this division. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:18 AM

## **Sec. 25-304. Permit Parking in Certain Designated Areas of Church and Court Streets.**

Sec. 25-304. Permit parking in certain designated areas of church and court streets.

(a) In order to protect the residents of certain designated areas of Church and Court streets that do not have off street parking from unreasonable burdens in gaining access to their residence and in order to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitation of the city, the city finds that it is necessary to establish a system of permit parking for residents of business districts.

(b) For purposes of this section the term "resident" shall be deemed to mean a person that resides and maintains a place of abode within a business district and does not have off street parking for their vehicle.

(c) A resident in a business district that does not have off street parking for their vehicle may apply to the billings and collections division for a parking permit to park their vehicle in the public streets adjoining their residence in the business district in which they live without regard to the normal restrictions on the length of parking time. Two (2) permit(s) shall be issued for each residential lot.

(d) The parking permit shall be displayed from the rear view mirror of the vehicle in such a manner that it may be viewed from the front and rear of the vehicle. When there is no rear view mirror the permit shall be displayed on the vehicle dashboard. The permit shall not be displayed from the rear view mirror while the vehicle is in motion. If the permit is not properly displayed the normal restrictions on the length of permitted parking time shall apply.

(e) A fee of fifteen dollars (\$15.00) shall be charged for each permit issued or each replacement permit. The fees will be used by the city to defray the cost of the Administration and enforcement of the provisions of this section.

(f) Permits issued under this section are valid only on the vehicle for which they are issued and shall be valid for a period of one (1) year.

(g) The person shall not transfer or allow another person to use or possess any parking permit issued to them or continue to use a permit after its termination or expiration or give false information upon application for the permit. Nor shall any person use a permit to park upon the public streets in any business district except for the public streets adjoining their residence.

(h) Any person violating any of the provisions of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250.00). In addition the parking permit of such person shall be terminated by the billings and collections division. (Ord. No. O-96-125, 5-14-96; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:18 AM

## **Sec. 25-305. Permit Parking in the Central Business District (CBD).**

Sec. 25-305. Permit parking in the central business district (CBD).

(a) In order to protect residents of the central business districts who do not have off-street parking from unreasonable burdens in gaining access to their residences and in order to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitation of the city, the city finds that it is necessary to establish a system of permit parking for residents of the central business district.

(b) Residents who live in the central business district (CBD—designated as that area of downtown from Fifth Street to the Rt 29 Business Expressway and from Clay Street to the riverfront) or residential property owners may apply for a CBD residential parking permit. The permit will allow residents to park in an assigned city off street parking facility closest to their residence twenty-four hours (24) per day, seven (7) days per week. Approval will be based on parking spaces availability. The cost for the first permit shall be twenty-five dollars (\$25.00) per month. Each additional permit shall cost fifty dollars (\$50.00) per month. Proof of residence is required and maybe satisfied by a copy of a current lease/mortgage document reflecting the residential address, a valid Virginia driver's license reflecting the residential address or current vehicle registration.

(c) A resident shall not transfer or allow another person to use or possess any parking permit issued to them or continue to use a permit after its termination or expiration or give false information upon application for the permit. Nor shall any person use a permit to park upon the public streets in the central business district.

(d) Permits issued under this section are valid only on the vehicle for which they are issued and shall be valid for a period of one (1) year.

(e) Any person violating any of the provisions of this section shall be punished by a fine of not more that two hundred fifty dollars (\$250.00). In addition the parking permit of such person shall be terminated by the billings and collections division. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

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## **Sec. 25-310. Parking in Spaces Reserved for persons with Disabilities; Penalty.**

Sec. 25-310. Parking in spaces reserved for persons with disabilities; penalty.

(a) No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under §46.2-1241 of the state code, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code, shall park in any parking spaces reserved for persons with disabilities.

(1) No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

(2) A summons or parking ticket for the offense may be issued by law-enforcement officers or duly designated city employees without the necessity of a warrant being obtained by the owner of any private parking area.

(3) Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(b) No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date. A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(c) Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion. A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(d) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(e) 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 §36-99.11 of the state code, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk. (Ord. No. O-97-236, 11-25-97; Ord. No. O-11-090, 7-12-11)

Last updated date: 7/14/2011 1:52:42 PM

## **Sec. 26-7. Abatement by City.**

Sec. 26-7. Abatement by city.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter or who was so ordered by a hearing officer to abate the same, the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. In order to abate a nuisance, the city may revoke any permit or license issued by the city to the owner of the offending property and which is required by law to conduct the business or activity which gives rise to the nuisance. If the nuisance is not subject to abatement by the city, or if otherwise appropriate, the designated officer shall cause criminal proceedings to be instituted against the person or persons causing or permitting the continuation of the nuisance.

When, in the opinion of the designated officer, a nuisance results in a condition that creates an immediate, serious and imminent threat to the health or safety of the public, the official may have the necessary work done to abate the nuisance whether or not notice to require the owner or occupant of the premises to abate the nuisance has been given. (Code 1959, § 22-17; Ord. No. O-93-260, 9-28-93)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 26-28.6. Enforcement.**

### Sec. 26-28.6. Enforcement.

(a) Citizens may contact the department of community planning and development, which shall be responsible for enforcing the provisions of this article. The director of the department of community planning and development shall have the authority to delegate duties and powers to other appropriate agencies and individuals to assist the department of community planning and development in the enforcement of this article. Whenever the words "director of community planning and development" are used in this article, they shall include all the agencies or individuals to which the director of community planning and development delegates enforcement powers, except where the contexts clearly indicates a different meaning.

(b) The department of community planning and development shall have the authority, whenever deemed appropriate, to have such weeds on property or on such portions of the property as deemed appropriate cut and/or removed and to restrict their future growth by the city's agents or employees, in which event, the costs and expenses thereof, shall be chargeable to and paid by the owner or owners of such property and may be collected by the city in the same manner as taxes and levies are collected and all unpaid costs and expenses shall constitute a lien against such property.

Any owner may avoid any liability to the city provided abatement is completed prior to the initiation of the abatement process by the city's designated agent. (Ord. No. O-94-113, 5-24-94, eff. 6-1-94)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 27-106. Alarm User's Permits Required.**

Sec. 27-106. Alarm user's permits required.

(a) Every alarm user shall obtain an alarm user's permit from the City of Lynchburg, department of emergency services for each alarm system. No alarm system located within the city shall be activated without the alarm user having first obtained an alarm user permit as described within this subsection. Such a permit shall be obtained from the City of Lynchburg within one hundred twenty (120) days from the effective date of this article or prior to the use of an alarm system which is installed subsequent to the expiration of one hundred twenty (120) days from the effective date of this article.

(1) The alarm user shall purchase an annual alarm user's permit for each alarm system within the corporate limits of the City of Lynchburg, which is intended and/or designed, when activated, to generate a response from one or more municipal public safety agencies. Effective on July 1, 1996, and for each year thereafter, unless otherwise changed by city council, the annual fee for the alarm permit shall be paid by the "alarm user" and imposed as follows:

- a. Business/industry alarm systems: fifty-five dollars (\$55);
- b. Small business, non-profit and governmental agencies alarm system: forty-five dollars (\$45);
- c. Residential alarm system: thirty dollars (\$30); and
- d. The city retains the right to pro-rate permits that are obtained after July 1st of each year.

NOTE: An "audible alarm" system unconnected to a central station may require a user permit for one (1) year should the alarm generate more than four (4) false alarm responses in a single permit year from any public safety agency. All user permit requirements for audible alarm systems may be appealed to the false alarm appeal's committee.

(2) The application for an alarm user's permit shall be made on an alarm permit application form which is available from the department of emergency services, alarm coordinator and on-line at [lynchburgva.gov](http://lynchburgva.gov). Payment of the permit fee for each alarm system shall accompany the application to the city collections division.

(3) Every person applying for more than one alarm permit at one location shall pay the alarm user's permit fee for each permit up to five (5) permits. Regardless of the number of permits, the total fee shall not exceed five times the single permit fee for any one location.

(4) The initial alarm permit may be obtained at any time; however, all alarm permits expire on June 30th with renewal due between May 15th and June 30th of each year following the issuance of the permit. Permits are not transferable from one user to another user, or from one address to another address and no permit refunds will be issued for disconnecting alarm service during an alarm year. It shall be the duty of the alarm user to maintain current permit information.

(b) No alarm system receivers shall be installed at the Lynchburg department of emergency services, emergency communications center.

(c) An alarm user whose permits has been revoked may apply for a reissued alarm permit in accordance with the fee schedule in Section 27-108 (j). (Ord. No. O-91-276, 11-12-91, eff. 1-1-92; Ord. No. O-93-112, 4-27-93; Ord. No. O-96-140, 5-28-96; Ord. No. O-00-009, 01-11-00, eff. 01-01-00; Ord. No. O-11-068, 5-24-11)

Last updated date: 5/31/2011 10:21:05 AM

## **Sec. 27-108. False Alarms; Penalty Assessments and Permit Revocation.**

Sec. 27-108. False alarms; penalty assessments and permit revocation.

(a) Any alarm system which has more than two (2) false alarms within a permit year and/or has had their permit revoked and continues to have false alarms, shall be subject to service assessments as hereinafter provided and any alarm system which has ten (10) or more false alarms within a permit year shall be subject to permit revocation as hereinafter provided. NOTE: Sec. 27-108 shall not apply to newly (first time/original alarm systems) installed/activated alarm systems for the first thirty (30) days of operation.

(b) Notice of service assessment: Notice from the city to any permit holder shall be deemed to have been given on the date such notice is deposited in the U.S. mail, first class postage, prepaid, and addressed to the permit holder at the address shown in the city's permit records or delivered by personal service to the premises. Failure to mail notice to an alarm business shall not impair or invalidate any notice furnished to the alarm user. The notice of service assessment shall contain at least the following information:

(1) The amount of the assessed fee and number of false alarms during the permit year.

(2) The dates and times that emergency personnel responded to each alarm.

(3) The fact that the service assessment must be paid within thirty (30) days following the date of the notice.

(4) The notice of intent to revoke the permit after ten (10) false alarms during the permit year.

(5) The right of appeal to the false alarm appeal's committee of which the department of emergency services director is chairman.

(c) If the City of Lynchburg records more than two (2) false alarms within a permit year for any alarm system, the city shall notify the alarm user of such fact and direct that the user pay to the city a service assessment in the sum of fifty dollars (\$50.00) for the 3rd false alarm recorded, fifty dollars (\$50.00) for the 4th, fifty dollars (\$50.00) for the 5th, seventy-five dollars (\$75.00) for the 6th, one hundred dollars (\$100.00) for the 7th, one hundred twenty-five dollars (\$125.00) for the 8th, one hundred fifty (\$150.00) for the 9th, one hundred seventy-five (\$175.00) for the 10th, and two hundred dollars (\$200.00) for the 11th and all successive false alarms. After the sixth (6th) false alarm in one (1) permit year the alarm user may be requested to submit a report to the department of emergency services, alarm coordinator, describing the actions taken or to be taken to discover and eliminate the cause of the false alarms. A copy of such notification shall be sent to the alarm business providing service or inspection to the user.

(d) If the alarm user submits a report as requested, the alarm coordinator shall determine if the actions taken or to be taken will prevent the reoccurrence of false alarms. The city shall notify the alarm user and the relevant alarm business in writing whether the permit will be revoked at that time. If the alarm permit is not to be revoked, then notification will be provided that if any subsequent false alarms occur within the permit year, the permit may be revoked without further notice on the tenth (10th) day after the date of the notice of revocation.

(e) If no report is submitted as requested, or if the city determines that the actions taken or to be taken by the alarm user will not prevent the reoccurrence of false alarms, the city shall give notice to the alarm user and alarm business providing service that the permit will be revoked effective on the tenth (10th) day after the date of the notice of revocation.

(f) If the alarm user fails to pay a service assessment within the time provided after receipt of notification from the city as provided with this section, the city may summarily revoke the alarm user's permit through notification to the alarm user and to the alarm business providing service to the user, which notification shall be effective on the tenth (10th) day following the date of said notice of revocation.

(g) An alarm user whose permit has been revoked shall be furnished notification of such revocation and shall within three (3) days after the date of said notice of revocation discontinue the use of the alarm system. It shall be unlawful for any alarm user to fail to disconnect such system within three (3) days as herein defined and such failure shall subject the alarm user to the penalties hereinafter provided.

(h) For purposes of any notification to be provided under the terms of this article, such notice shall be effective if the same is mailed addressed to the alarm user at the address furnished to the city in connection with a permit application or at such other address as the alarm user may furnish in writing to the city and such notice shall be effective if mailed to the alarm business at the address provided to the city in connection with the filing of alarm user instructions, or alternatively, to the last known address of said alarm business.

(i) After permit revocation, the alarm user shall take steps to alleviate the false alarm problem. Alarm permits which have been revoked may be reinstated after a report is submitted describing corrective actions taken along with an alarm user application form as described in Section 1-5 (A) and payment of a reissued users alarm permit fee.

First reissued users permit in original one-year period \$ 50

Second reissued users permit in original one-year period \$100

Third reissued users permit in original one-year period \$150

Fourth and each reissued users permit in original one-year period \$200

(Ord. No. O-91-276, 11-12-91, eff. 1-1-92; Ord. No. O-00-009, 01-11-00, eff. 01-01-00; Ord. No. O-11-068, 5-24-11)

Last updated date: 5/31/2011 10:23:28 AM

## **Sec. 28-40. City Stadium Fees.**

Sec. 28-40. City stadium fees.

(a) For the use of the football field, ten (10) per cent of the gross gate receipts, with a minimum fee of one hundred sixty dollars (\$160.00), plus the following fees:

(1) Preparation of field, including marking and mowing, one hundred eighty dollars (\$180.00).

(2) Preparation of equipment:

Scoreboard \$ 25.00

Field phones 5.00

Public address system 40.00

(3) Game service—two (2) city employees will be furnished without cost—for each additional employee, a fee of fifty dollars (\$50.00).

(4) For cleaning the premises:

Locker rooms \$ 50.00

Grounds and stands 260.00

There will be no additional fee for cleaning restrooms.

(5) For preparation of lights and furnishing of electricity, forty-five dollars (\$45.00).

(b) For the use of the baseball field, ten (10) per cent of the gross gate receipts, with a minimum fee of one hundred sixty dollars (\$160.00), plus the following fees:

(1) For preparation of equipment:

Scoreboard \$ 10.00

Public address system 10.00

(2) Game service—one (1) city employee will be furnished at no additional cost—for each additional employee, ten dollars (\$10.00).

(3) For cleaning the premises:

Locker rooms \$ 50.00

Grounds and stands 100.00

There will be no additional fee for cleaning restrooms.

(4) Preparation of lights and furnishing equipment, twenty-five dollars (\$25.00).

(c) The fees charged the public schools will be fifty (50) per cent of the above required fees. (Ord. No. O-88-062, § 2, 3-22-88, eff. 7-1-88)

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## **Sec. 29-28. Issuance.**

Sec. 29-28. Issuance.

If, as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and shall deliver the permit to the applicant. As a requisite to obtaining such permit, the applicant shall be required to pay a fee of fifteen dollars (\$15.00) at the time of filing his application, to cover the cost of processing such application, which fee shall not be refundable. (Ord No. O-81-106, § 1, 5-26-81; Ord. No. O-82-215, § 1, 10-12-82; Ord. No. O-91-053, 3-26-91, eff. 7-1-91)

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## **Sec. 34-4. General Terms, Conditions, and Provisions Applicable to Sewer Mains Extended or Installed with City Approval.**

Sec. 34-4. General terms, conditions, and provisions applicable to sewer mains extended or installed with city approval.

(a) Title to any sewer main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public sewer systems are already installed, replacement or enlargement of the sewer pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any sewer main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the sewer service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving sewer main connections;

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing outfall lines, pumping stations and waste treatment facilities. The availability charges are as follows:

a. Single-family residence:

(i) Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be nineteen hundred and fifty dollars (\$1,950.00) per connection, for each such petitioner.

(ii) Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be eighteen hundred fifty dollars (\$1,850.00) per connection, for each such petitioner.

(iii) Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be seventeen hundred fifty dollars (\$1,750.00) per connection, for each such petitioner.

(iv) Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be sixteen hundred and seventy-five dollars (\$1,675.00) per connection, for each such petitioner.

(v) Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be fifteen hundred and fifty dollars (\$1,550.00) per connection, for each such petitioner.

(vi) Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be fourteen hundred and fifty dollars (\$1,450.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a single connection is made:

(i) For the first five (5) units, nine hundred and eighty dollars (\$980.00) each.

(ii) For the second five (5) units, seven hundred and thirty dollars (\$730.00) each.

(iii) For all additional units, four hundred and ninety dollars (\$490.00) each.

Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one unit will require the availability charge as specified above in Section 34-4(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space, or if a maximum four (4) inch diameter building sewer is used, the charge shall be nineteen hundred and fifty dollars (\$1,950.00). If a connection sewer in excess of four (4) inches in diameter is required, the following charges shall apply:

<b>Availability Charge</b>	<b>Floor Space</b>
\$1,950.00	0 to 2,000 square feet
\$2,440.00	2,001 to 10,000 square feet
\$3,640.00	10,001 to 20,000 square feet
\$6,110.00	20,001 to 35,000 square feet
\$9,650.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate charges.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city sewer main, the owner desiring city sewer service shall be required to sign a petition for extension of sewer mains.

(1) Single-family and multifamily structures and mobile home parks: Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the sewer main extension, the city shall prepare an estimate for the installation of a sewer main.

Such estimate shall be prepared on the basis that the location, character and size of the extension, and the plans and specifications for the extension, and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service: Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 34-4(c)(2)c. shall be applicable.

Where the council has determined that the petitioned project is not economically feasible to the city, the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire non-city portion shall be apportioned by council between the petitioning property owners as their availability charge. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines prior to the extension of the line, may make arrangements to pay the availability charges in paragraph (c) (2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar housing units.

(f) Sewer main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.

(g) In addition to the previous applicable requirements, whenever any person owning property along the line of any sewer main in the city shall desire sewer service into his premises, he shall execute an agreement known as an "Application for Sewer." In addition thereto, the licensed plumber employed by him shall make written application therefor to the city on forms prescribed for that purpose.

Unless the building sewer, or connection, has been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the building sewer. An applicant for any new connection must make an estimate of the size building sewer needed for all lines greater than four (4) inches in diameter for the particular building in order that the proper size building sewer may be installed to satisfy the demand. Upon approval of the application, payment of certain fixed sewer connection fees must be made as follows:

(1) Four (4) inch diameter house building sewer—one thousand two hundred and ten dollars (\$1,210.00).

(2) Larger than four (4) inch diameter building sewer -cost plus 15%; minimum charge—one thousand three hundred and twenty dollars (\$1,320.00).

Provided, that when any property owner grants to the city free of cost the right to construct and maintain a sewer across said property owner's property, that property owner shall be granted a credit of one hundred dollars (\$100.00) to be applied against the appropriate connection charge for one (1) connection.

The city will then install a building sewer leading from the main in the street to the property line, or install a sewer saddle. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate sewer connection for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the city's sewer. All such connections and all plumbing work shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot. For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing extension lines, pumping stations and waste treatment facilities, the sum of four hundred dollars (\$400.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 34-4(c)(2)a, will be paid by the property owner, except, however, that where he or a previous owner of this property participated in the cost of such lines, no availability charge shall be payable.

(i) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar types of housing units. (Code 1959, § 29-6.3; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153, § 1, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01; Ord. No. O-02-186, 10-8-02; eff. 2-3-03; Ord. No. O-03-051, 3-11-03, eff. 1-1-04; Ord. No. O-04-030, 3-9-04, eff. 1-1-05; Ord. No. O-06-036, 4-11-06, eff. 7-1-06; Ord. No. O-06-103, 8-8-06; Ord. No. O-07-046, 4-10-07, eff. 7-1-07; Ord. No. O-08-046, 4-8-08, eff. 7-1-08; Ord. No. O-13-039, 3-26-13, eff. 7-1-13)

## **Sec. 34-5. Deferral of Availability Charges and Connection Fees to the City Sewer System for Certain Persons.**

Sec. 34-5. Deferral of availability charges and connection fees to the city sewer system for certain persons.

For those owner-occupants of existing dwellings, who have an equity not exceeding thirty thousand dollars (\$30,000.00) therein and who meet the financial eligibility requirements of the Medicaid program for group III Virginia localities, as determined by the department of human services, the availability charges and connection fees imposed by Section 34-4(c)(2) shall, upon request, be deferred until such time as title to the property passes by sale or inheritance. Such persons shall, prior to connection with the city sewer system, execute a petition, approved by the city attorney, granting to the city a lien in the amount of the fees and charges plus all interest which may accrue. When the charges are so deferred, they shall be subject to the payment of an annual simple interest charge of six (6) per cent on the unpaid balance of such fees and charges, provided that such persons shall have the right at any time to make payments, partial or in full of the balance due for such connection. Passage of title to a spouse shall not constitute inheritance under this section. (Code 1959, § 29-6.4; Ord. of 10-25-77)

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## **Sec. 34-10. Removal of Obstructions.**

### Sec. 34-10. Removal of obstructions.

In case of any stoppage in the main or public sewers, the city shall remove the obstruction. If the stoppage is in the building sewer or drain, the property owner whose property it connects with the main sewer shall remove any such obstruction. In the event of failure by such owner to remove the obstruction, the city, at the expense of the owner [which shall include the cost of all materials, labor and equipment, plus fifteen (15) per cent], shall remove such obstruction; provided, however, that the owner will install at his cost on the boundary between his property and the city right-of-way, an approved sewer clean-out. The city at its cost will then maintain that portion of the building sewer line on city property. An approved clean-out shall be defined as one installed by the property owner, inspected and approved by the utilities division and inspections division. That portion of the building sewer between the clean-out and the main sewer shall be inspected to determine that it is free of any obstructions, properly aligned, no defects exist in the pipe, and the pipe material meets city standards. If a clean-out installation fails to meet the above criteria, it shall be rejected and the property owner shall be notified in writing of the reason for rejection, with a copy forwarded to the plumbing inspector. Once the deficiency has been corrected the owner may request a second inspection. If the existing connection cannot be made acceptable and the property owner desires that the city maintain that portion of the service from the main or public sewer to his property line, the owner shall apply for a new connection to be installed and pay all applicable fees. A list of approved connections accepted under this section shall be maintained by the utilities division. (Code 1959, § 29-11; Ord. of 6-12-79; Ord. No. O-87-265, § 1, 11-24-87; eff. 1-1-88)

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## Sec. 34-12.1. Schedule of Sewer Rates.

Sec. 34-12.1. Schedule of sewer rates.

(a) The monthly sewer rates for all consumers within the city shall be five dollars and sixty-five cents \$5.65 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.

(b) The monthly sewer rate for customer accounts deemed "sewer only" (customers within the city without a water service connection) shall be forty four dollars and fifty-eight cents \$44.58. This rate is derived as follows: (monthly volume charge of \$5.65 per h.c.f. x 7 h.c.f. + a monthly service charge of five dollars and three cents \$5.03).

(c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of twenty-five thousand (25,000) gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

(1) For BOD concentrations in excess of three hundred (300) milligrams per liter (MG/l), twenty two dollars and forty cents (\$22.40) per one hundred (100) pounds.

(2) For suspended solids concentrations in excess of four hundred (400) milligrams per liter (MG/l), twenty five dollars and thirty-three cents (\$25.33) per one hundred (100) pounds.

(3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in Section 34-13 will be assessed at the following rates: two hundred four dollars and ninety cents (\$204.90) up to a limit of two thousand five hundred (2,500) gallons of capacity and thirty four dollars and seventy-four cents (\$34.74) for each five hundred (500) gallons of capacity over two thousand five hundred (2,500) gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.

(d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings. (Ord. No. O-87-231, § 1, 10-13-87; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-89-006, § 1, 1-10-89, eff. 7-1-89; Ord. No. O-91-043, 3-12-91, eff. 9-1-91; Ord. No. O-92-087, 3-24-92; Ord. No. O-93-281, 10-12-93, eff. 1-1-94; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-95- 269, 9-26-95; Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, 3-9-99, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-034, 2-13-01, eff. 7-1-01; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02; Ord. No. O-03-051, 3-11-03, eff. 7-1-03; Ord. No. O-03-113, 6-10-03, eff. 7-1-03; Ord. No. O-04-030, 3-9-04, eff. 7-1-04; Ord. No. O-05-042, 4-12-05, eff. 7-1-05; Ord. No. O-06-036, 4-11-06, eff. 7-1-06; Ord. No. O-07-046, 4-10-07, eff. 7-1-07; Ord. No. O-07-075, 5-8-07, eff. 7-1-07; Ord. No. O-08-046, 4-8-08, eff. 7-1-08; Ord. No. O-09-020, 4-14-09, eff. 7-1-09; Ord. No. O-10-033, 4-13-10, eff. 7-1-10; Ord. No. O-11-027, 3-22-11, eff. 7-1-11; Ord. No. O-12-032, 3-27-12, eff. 7-1-12; Ord. No. O-13-039, 3-26-13, eff. 7-1-13)

## **Sec. 34-15. Collection of Sewage Fees, Charges and Rents.**

Sec. 34-15. Collection of sewage fees, charges and rents.

Effective on and after July 1, 1995, whenever the city utilizes the services of an attorney or a collection agency to collect any delinquent fees, rents or charges for the use and services of the city's sewage disposal system, reasonable attorney's fees or collection agency's fees shall be added to the delinquent bill. The attorney's fees or collection agency's fees shall not exceed twenty (20) per cent of the delinquent bill and may be recovered by the city by action at law or suit in equity. Attorney's fees shall be added only if such delinquency is collected by action at law or suit in equity. (Ord. No. O-94-302, 11-22-94)

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## Sec. 34-70. Monitoring Charges.

Sec. 34-70. Monitoring charges.

The purpose of this charge is to defray the cost to the city for the testing of wastewater discharges from industrial users and customers with high strength wastes (surcharge) who have been issued industrial wastewater discharge permits. The charges will be set to ensure recovery of the projected fiscal year monitoring costs.

The charges will be set to ensure recovery of the projected fiscal year monitoring costs. The charges shall be as follows:

Seven (7) day wastewater sampling for surcharge	\$880.00
Three (3) day wastewater sampling for surcharge	462.00
One (1) day wastewater sampling for pretreatment and surcharge	275.00
Three (3) day wastewater sampling of metal finishing for pretreatment and surcharge	1,430.00
Four (4) day wastewater sampling of electroplating for pretreatment and surcharge	1,595.00
Three (3) day wastewater sampling of pharmaceuticals for pretreatment and surcharge	2,035.00
Three (3) day wastewater sampling of other categories for pretreatment and surcharge	825.00

(Ord. No. O-96-269, 9-26-95; Ord. No. O-10-033, 4-13-10, eff. 7-1-10)

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## **Sec. 34-71. Wastewater Discharge Permit Charges.**

Sec. 34-71. Wastewater discharge permit charges.

The purpose of this charge is to defray the cost to the city for the generation and maintenance of wastewater discharge permits. The charges are set to ensure recovery of the projected fiscal year administrative cost.

All users requiring discharge permits shall pay a fee of two hundred twenty dollars (\$220.00) per year of permit term.

Users requesting a modification of an existing discharge permit shall pay a charge of fifty dollars (\$50.00) for the cost of modification. (Ord. No. O-95-269, 9-26-95; Ord. No. O-10-033, 4-13-10, eff. 7-1-10)

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## **Sec. 34-72. Costs of Damage.**

Sec. 34-72. Costs of damage.

If the drainage of discharge from any establishment causes a deposit, obstruction or damage to any of the city's wastewater facilities, the city shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision plus fifteen (15) per cent overhead, shall be borne by the person causing such deposit, obstruction or damage.

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## Sec. 34-77. Enforcement.

### Sec. 34-77. Enforcement.

The city shall utilize, notice of violations, consent orders, administrative actions, or other actions as defined in this section, or in the non domestic and industrial user regulations and practices Section XV, in order to provide compliance with this ordinance. These actions may include the imposition of voluntary penalties.

In addition to enforcement actions defined in the utilities non domestic and industrial user regulation and practices Section XV, the following actions are authorized by this ordinance:

(a) Suspension of water and/or wastewater service and/or wastewater discharge permit. The city may suspend water and/or wastewater treatment services or a wastewater discharge permit.

(1) When determined by the city, an actual or threatened discharge presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater treatment facilities, or causes the city to violate any condition of its VADES permit.

(2) A state or federal agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into state waters, and it is found that the customer is delivering wastewater to the city's wastewater facilities that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment.

(3) The customer:

a. discharges industrial waste or wastewater exceeding the limit established by the city; or

b. discharges at an uncontrolled, variable rate or in sufficient quantity to cause an interference or pass through in the wastewater facilities;

c. fails to pay monthly bills for water, sanitary sewer services, any sewer service charge, or surcharge when due;

d. allows wastewater to continue to flow onto neighboring property.

(4) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, or city water supply, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The city shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

(b) Revocation of wastewater discharge permit. Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having their wastewater discharge permit revoked in accordance with Section XI of the non domestic and industrial user regulations and practices:

(1) failure of a user to factually report the wastewater constituents and characteristics of their discharge;

(2) failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(3) refusal of reasonable access to user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the wastewater discharge permit.

(c) Legal action.

(1) If any person violates the provisions of this article, federal or state pretreatment requirements or any order or permit of the city, the director of public works or his designee may make a recommendation to the city attorney to commence an action for appropriate legal and/or equitable relief for such violation of the ordinance, the rules, regulations or permits issued thereunder, federal or state pretreatment requirements.

(2) If an industrial user bans the city from access to pretreatment or sampling facilities, the city has the authority to seek an injunction against the industrial user.

(d) Civil penalties. Any user who fails to comply with any provisions of this article and the orders, rules, regulations and permits issued hereunder shall be fined through a civil action in the courts of the commonwealth not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

(e) Criminal penalties. Any user who is found in a court of the commonwealth to have willfully or negligently violated an order of the city or to have willfully or negligently failed to comply with any provision of the article and the orders, rules, regulations and permits issued hereunder shall be guilty of a class 2 misdemeanor. (Ord. No. O-95-269, 9-26-95; Ord. No. O-04-050, 4-13-04)

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## Sec. 35.1-14. Site Plan Review.

Sec. 35.1-14. Site plan review.

(a) Intent. Site plan review is intended to ensure proper design in types of development which can have deleterious effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

(b) Developments subject to site plan review. The following types of development shall be subject to the site plan review provisions of this ordinance, including petitions for a rezoning request or for a conditional use permit request:

- (1) All commercial and industrial facilities, including off-street parking;
- (2) All institutional facilities, such as schools, hospitals and clubs;
- (3) All residential developments, involving more than two (2) dwelling units in one (1) building or on one (1) lot;
- (4) Planned unit developments (see Section 35.1-42.1 et seq.);
- (5) Conditional use permits (as specified in this ordinance).

(c) Site plan procedures and review:

(1) Definitions:

a. Schematic site plan. Plan to accompany all rezoning petitions with the exception of CCD and PUD requests.

b. Preliminary site plan. Plan to accompany CCD requests; however, final CCD rezoning approval will be contingent upon approval of a final site plan.

c. Final site plan. Plan required for final CCD rezoning approval and/or issuance of a building permit.

(d) Plan requirements: The planning division will require an appropriate number of clearly legible copies for each of the following applicable site plans.

(1) The schematic site plan shall include the following:

- a. Name and address of petitioner and owner;
- b. Name and location of development;
- c. Property lines by metes and bounds;
- d. Existing and proposed zoning;
- e. Type of proposed zoning;
- f. Owner, present use and existing zoning of all abutting property;
- g. Existing and proposed streets, easements, rights-of-way and other reservations;
- h. Ingress and egress points;

- i. Proposed parking areas, materials for same and number of spaces;
- j. Existing and proposed buildings;
- k. Date, scale of not less than one (1) inch equals one hundred (100) feet, and north point;
- l. Limits of established one hundred (100) year floodplain;
- m. Major natural features;
- n. Required setbacks and areas for landscaping and buffering;
- o. Location of existing water, storm and sanitary sewer lines.

(2) The preliminary site plan shall include for review by the appropriate city department, in addition to the items specified for a schematic site plan, the following:

- a. Existing and proposed topography;
- b. Location of proposed water mains, fire hydrants, pipe sizes, grades and direction of flow;
- c. Generalized erosion control measures;
- d. Location of proposed utility lines, indicating where they already exist and whether they will be underground;
- e. Location of proposed storm and sanitary sewer systems, both surface and subsurface, showing pipe sizes, grade flow and design loads;
- f. Vicinity map at a scale no smaller than one (1) inch equals six hundred (600) feet, showing all streets and property within one thousand (1,000) feet of the subject property;
- g. Existing and proposed curb lines and sidewalks;
- h. Location of proposed signs;
- i. Proposed location and materials for disposal of refuse and other solid waste;
- j. Recreation and/or open spaces;
- k. Name and address of person(s) preparing the site plan;
- l. Proposed buildings and structures to include:
  - 1. Distance between buildings;
  - 2. Number of stories;
  - 3. Area in square feet of each floor;
  - 4. Number of dwelling units or guestrooms;
  - 5. Structures above height regulations.
- m. Proposed location of outdoor lighting.

n. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required.

(3) The site plan shall be accompanied by a check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by city council.

(4) The final site plan shall include, in addition to the items specified for a preliminary site plan, the following:

a. Name and address of owners of record of all adjacent properties;

b. Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet;

c. Final erosion and sediment control plans;

d. Location of watercourses, marshes, rock outcroppings, wooded areas and single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;

e. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed;

f. Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines). profiles and cross-sections of streets;

g. Layout of off-street parking;

h. Proposed location, direction of, power and time of use of outdoor lighting (not required of industrial development);

i. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required;

j. Location, size and design of proposed signs;

k. Elevations of buildings to be built or altered on site.

(e) Administrative responsibility.

(1) The city planner shall be responsible for checking the site plans for general completeness and compliance with adopted plans or such administrative requirements as may be established prior to routing copies thereof to the technical review committee. He shall see that all examination and review of the site plans are completed by the approving authorities.

(2) The city planner shall approve or disapprove the site plans in accordance with the technical review committee's recommendations. He shall then return two (2) copies of the site plan, together with modifications, noting thereon any changes that will be required, to the applicant not later than thirty (30) days from the date of submission, except under abnormal circumstances.

(f) Adjustment in approved site plan. After a site plan has been approved by the city planner, minor adjustments of the site plan, which comply with the spirit of this article and other provisions of this chapter with the intent of the technical review committee in their approval of site plans and with the general purpose of the comprehensive plan for development of the area, may be approved by the city planner with concurrence of the technical review committee. Minor adjustment from an approved site plan without the city planner's approval, or any major deviations, shall require the applicant to resubmit a new site plan for consideration.

(g) Waiver. Any requirement of this section may be waived by the planning commission and/or its designee in a specific case where such requirement is found to be unreasonable or unnecessary for review of the proposal and where such waiver will not be adverse to the purpose of this section.

(h) Building and occupancy permits. No building permit shall be issued for a building in an area in which site plan review is required unless the construction proposed by such building permit is in conformance with the approved site plan. No occupancy permit shall be issued in such an area for a use which is not in conformance with the approved site plan.

(i) Appeal. An appeal of any decision made by the city administration concerning site plan review procedure may be made to the planning commission. (Ord. No. O-78-352, 12-12-78; Ord. No. O-84-140, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-098, § 1, 5-10-88, eff. 7-1-88; Ord. No. O-97-063, 4-22-97; Ord. No. O-98-124, 6-9-98; Ord. No. O-06-070, 6-13-06)

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## Sec. 35.1-19. Public Hearings.

Sec. 35.1-19. Public hearings.

(a) Where required. A public hearing before the city council, the board of zoning appeals, the historic preservation commission, or the planning commission shall be held as specified in this section before approval of:

(1) A variance;

(2) A conditional use permit;

(3) An amendment to the ordinance, the official zoning map, or the comprehensive plan;

(4) Establishment or amendment of criteria for determination of landmarks, buildings or structures as being architecturally, culturally or historically noteworthy.

Except as specifically authorized by the planning commission or city council, rezoning and conditional use permit petitions will be considered incomplete and will not be scheduled to be heard by the planning commission or city council until all necessary variances have been obtained from the board of zoning appeals.

(b) Notice. Before any hearing required by this ordinance shall be held, a notice of such hearing shall have been published at least once per week for two (2) successive weeks in some newspaper having general circulation in the City of Lynchburg. The term "two (2) successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six (6) days elapsing between the first and second publication. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views not less than six (6) nor more than twenty-one (21) days after the second advertisement shall appear in such newspaper. Such notice shall also contain reference to where copies of the proposed plans or amendments may be examined.

If these regulations specify or permit hearing by the historic preservation commission, planning commission or board of zoning appeals and the city council, both hearings may be held concurrently. If such a joint hearing is held, public notice as specified above need be given only by the city council or whichever would be the last body to hear the matter.

(1) Zoning amendment. When a proposed amendment of the zoning ordinances involves a change in the zoning classification of twenty-five (25) or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the planning commission not less than ten (10) days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and of all property within two hundred (200) feet of the affected property, including such properties which lie in an adjoining county. Notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. Cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case.

Posting of a sign giving notice of intent to rezone will be required. If the hearing is continued, notice shall be remailed. Cost of any notice required under this section shall be taxed to the applicant.

(2) Conditional use permits requiring city council action. The following shall apply for each conditional use permit petition requiring city council action:

a. Sign. At the time a petition is filed with the division of planning, a sign shall be posted on the property by the applicant notifying interested persons that a conditional use permit application has been filed; said sign shall be located within one (1) foot of the right-of-way of a public street or road upon which said property or proposed use

fronts. The sign shall be placed on the property at five hundred (500) foot intervals. The city planner may reduce the required number of signs or approve the relocation of signs in those cases for which the petitioner can present sufficient justification to warrant a deviation, provided the spirit and intent of the notice requirements are observed. Grounds for deviation of the requirements may include such items as a parcel of unusual size or shape, a peculiar location, severe topography, or other extraordinary situation or condition of the property that would make the strict application of these requirements unnecessary or impractical. The justification shall document that a reduction in the number or relocation of signs would not reduce the effectiveness of the public notice. If the property in question has a five hundred (500) foot or less frontage, one (1) sign shall suffice. Where property does not front on an existing right-of-way, the sign shall be placed within the right-of-way of the nearest street or road. The sign shall read as follows:

<p><b>NOTICE</b> <b>PETITION FOR A CONDITIONAL USE PERMIT</b></p> <p>Name of Applicant or Owner: Telephone No:</p> <p>48" Address of Property:</p> <p>Present Zoning: Proposed Use of Property:</p> <p>Additional Information: Call Planning Division, Department of Community Planning and Development at 455-3900.</p> <p>72"</p>
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Said sign shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size and the lettering thereon shall be black letters on a white background and shall be at least three (3) inches in height. The applicant shall notify the division of planning in writing that the sign has been erected and where located.

The sign shall contain no additional advertisement or words other than that which is specified herein. Said sign shall remain posted until final action has been taken by city council, or the petition has been withdrawn, the sign shall be removed within ten (10) calendar days by the petitioner at his expense. If any sign remains posted longer than this ten (10) day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in Section 35.1-20 of this ordinance.

b. Written notice. A written notice shall be given in addition to the advertising required in paragraph (b) of this section by the planning commission not less than ten (10) days before the hearing to property owners within two hundred (200) feet of the subject property informing them of the public hearing and the purpose of the request. Such notice shall be by first class mail to the last known address of such owner as shown on the current real estate tax assessment books. Cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed. Cost of any notice required under this section shall be taxed to the applicant.

c. Presence required. The petitioner or his representative shall be present at both the planning commission and the city council meetings at which the conditional use permit petition is to be considered.

(3) Conditional use permits and variances requiring action by the board of zoning appeals. The following shall apply for each conditional use permit petition or variance petition requiring board of zoning appeals action:

a. Sign. At the time a petition for a conditional use permit requiring board of zoning appeal action or a variance is filed with the neighborhood services division, but not less than twenty-one (21) days prior to the scheduled meeting of the board of zoning appeals, a sign shall be posted on the property by the applicant notifying interested persons that a conditional use permit or variance application has been filed; said sign shall be located within one (1) foot of the right-of-way of a public street or road upon which said property or proposed use fronts. The sign shall be placed on the property at five hundred (500) foot intervals, or at the discretion of the zoning administrator. If the property has a five hundred (500) foot or less frontage, one (1) sign shall suffice. Where property does not front on an existing right-of-way, the sign shall be placed within the right-of-way of the nearest street or road. A sign shall not be required for variances for one and two-family dwellings. The sign shall read as follows:

<p>NOTICE</p> <p>PETITION TO THE BOARD OF ZONING APPEALS FOR A CONDITIONAL USE PERMIT OR VARIANCE</p> <p>Name of Applicant or Owner: Telephone No: Address of Property:</p> <p>48" Present Zoning:</p> <p>Proposed Use of Property:</p> <p>Additional Information: Call Neighborhood Services Division, Department of Community Planning and Development at 455-3900.</p> <p>72"</p>
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Said sign shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size and the lettering thereon shall be black letters on a white background and shall be at least three (3) inches in height. The applicant shall provide the neighborhood services division two (2) photographs of the sign(s) as located on the subject property. To assure proper notice has been provided, the required photographs must be submitted not less than twenty-one (21) days prior to the scheduled meeting of the board of zoning appeals.

The sign shall contain no additional advertisement or words other than that which is specified herein. Said sign shall remain posted until final action has been taken by the board of zoning appeals, or the petition has been withdrawn, at which time the sign shall be removed within ten (10) calendar days by the petitioner at his expense. If any sign remains posted longer than this ten (10) day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in Section 35.1-20 of this ordinance.

b. Written notice. A written notice shall be given, in addition to the advertising required in paragraph (b) of this section, by the board of zoning appeals not less than ten (10) days before the hearing to property owners within two hundred (200) feet of the subject property informing them of the public hearing and the purpose of the request for a conditional use permit. If a conditional use permit and a variance are on the same petition, the notification process shall be the same as that listed for a conditional use permit. Such notice shall be by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books. The cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The board of zoning appeals or its designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed at the expense of the applicant.

c. Presence required. The petitioner or his representative shall be present at the board of zoning appeals meeting at which the conditional use permit is to be considered.

(4) Variances. The following shall apply for each variance petition requiring board of zoning appeals action:

a. Written notice. A written notice shall be given, in addition to the advertising required in paragraph (b) of this section, by the board of zoning appeals not less than ten (10) days before the hearing to property owners who are adjacent to the subject property for a variance request informing them of the public hearing and the purpose of the request. If a conditional use permit and a variance are on the same petition, the notification process shall be the same as that listed for a conditional use permit. Such notice shall be by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books. The cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The board of zoning appeals or its designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed at the expense of the applicant.

b. Presence required. The petitioner or his representative shall be present at the board of zoning appeals meeting at which the variance is to be considered.

(c) Rules of procedure in hearings. Any person affected by the proposed action which is the subject of the hearing may make a statement concerning it. The city council, the board of zoning appeals, the historic preservation commission and the planning commission shall make other rules as they deem appropriate for the conduct of public hearings. Such rules may cover such subjects as rules of order, time limits on statements, previous notice of intention to speak and other matters.

(d) Records. A record shall be kept of all public hearings required by this section. (Ord. No. O-82-079, § 1, 5-11-82; Ord. No. O-88-009, § 1, 1-12-88; Ord. No. O-93-122, 5-11-93; Ord. No. O-00-023, 2-8-00; Ord. No. O-00-125, 6-13-00; Ord. No. O-02-226, 12-10-02)

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## **Sec. 35.1-42.2. General Requirements for Planned Unit Developments.**

### Sec. 35.1-42.2. General Requirements for Planned Unit Developments.

(a) **Minimum Area.** Generally, the minimum area required to qualify for a Planned Unit Development shall be five (5) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the City Council, upon recommendation of the Planning Commission, may consider projects with less acreage.

(b) **Ownership.** The tract of land for a project may be owned, leased, controlled or under option by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project or by the property owner's authorized agent with the power of attorney to sign the petition. In case of multiple ownership, the approved plan shall be binding on all owners.

(c) **Location of Planned Unit Developments.** A Planned Unit Development may be established by a conditional use permit in any residential or business district of the City where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article and is consistent with the General Plan of the City of Lynchburg.

(d) **Management and Ownership of Common Open Space Property and Facilities in Planned Unit Developments.** All common open space properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of a homeowner's association of all individuals or corporations owning property within the Planned Unit Development to ensure the maintenance of all common open space properties and facilities. The homeowner's association shall be established pursuant to Section 35.1-56C. of the Code.

(e) **Fee Schedule for Planned Unit Development Approval.** The following fees shall apply for the examination and approval or disapproval of every Planned Unit Development reviewed by the City of Lynchburg:

Sketch Plan Approval—\$100

Preliminary Site Plan Approval—\$75

Final Site Plan Approval—\$25

Erosion Sediment Control Plan Approval - See Erosion Sediment Control Ordinance

Subdivision Plat Approval - See Subdivision Ordinance (Ord. No. O-83-154, § 1, 7-12-83)

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## **Sec. 35.1-42.8. Other Regulations Applicable to Planned Unit Developments.**

Sec. 35.1-42.8. Other regulations applicable to planned unit developments.

(a) [Chances after initial construction and occupancy.] For the purposes of regulating, developing, and using property after initial construction and occupancy, any changes including setbacks and use shall be processed as a conditional use permit pursuant to the following procedures:

(1) Application for a conditional use permit for a change in the existing Planned Unit Development shall be completed and submitted to the Planning Division.

(2) The City Planner shall review the materials submitted and notify the applicant when the application is complete. Upon determination that the application is complete, the City Planner shall set a date for a public hearing by the Planning Commission for the purpose of considering a conditional use permit for a change in an existing Planned Unit Development in accordance with the procedures established for amendments to the Zoning Ordinance and the Official Zoning Map in Section 35.1-17B. including the sections on a sign and notice to the surrounding property owners.

(3) The Planning Commission shall consider the application and shall render either a favorable decision with modifications or an unfavorable decision. The Planning Commission shall clearly state the reasons for its decision.

It shall be noted, however, that properties lying in Planned Unit Developments are unique and shall be so considered by the Planning Commission when evaluating these requests; and maintenance of the intent and the function of the Planned Unit Development shall be of primary importance.

(b) Appeals:

(1) Appeals to the Planning Commission. An appeal may be taken to the Planning Commission by the property owner, developer, or representatives affected by any decision of the City Planner and/or Technical Review Committee during the preliminary and final site plan approval process. Such appeal shall be taken within twenty (20) calendar days after a decision of the City Planner and/or Technical Review Committee by filing a notice of appeal specifying the grounds therefor with the Secretary of the Planning Commission. The City Planner shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from.

The City Planner shall schedule a public hearing at the next regularly scheduled Planning Commission meeting on the application of appeal, give public notice thereof, as well as due notice to the parties in interest. The Planning Commission shall make a decision on the application for appeal within thirty (30) days of the hearing.

In exercising its powers, the Planning Commission may reverse or affirm, wholly or partly, or may modify a requirement, decision or determination appealed from. The concurring vote of four (4) members shall be necessary to reverse any decision of the City Planner and/or Technical Review Committee pertaining to the approval of the preliminary and/or final site plans in favor of the applicant. The Planning Commission shall keep minutes of its proceedings which shall be filed in the Office of the Planning Division, and the minutes shall be of public record.

(2) Appeals from Actions of the Planning Commission. Any person or persons jointly or individually aggrieved by a decision of the Planning Commission pertaining to a Planned Unit Development or any officer or department of the City of Lynchburg may present to City Council a petition specifying the grounds on which aggrieved within fifteen (15) calendar days after the filing of the decision in the Office of the Planning Division.

In exercising its powers, City Council may reverse or affirm, wholly or partly, or may modify a requirement, decision, or determination of the Planning Commission. The concurring vote of four (4) members shall be necessary to reverse any decision of the Planning Commission pertaining to a Planned Unit Development.

(3) Fees. In order to cover costs incurred by the City of Lynchburg incidental to reviewing, publishing and reporting facts concerning appeals on Planned Unit Developments, a fee of one hundred dollars (\$100.00) shall be paid to the City Collector for each appeal made.

(c) Lapse of Conditional Use Permit for Planned Unit Developments. If a building permit for construction of a Planned Unit Development authorized by a conditional use permit granted under these regulations has not been applied for and so granted within thirty-six (36) months of the granting of such conditional use permit, the conditional use permit shall become void unless the following appeal procedures are followed and approval obtained. Prior to the aforesaid thirty-six month expiration, a six month extension may be applied for through the Lynchburg Planning Commission. A second and final twelve-month extension may be requested from City Council prior to the expiration of the six-month Planning Commission extension. After the initial building permit has been issued for construction and construction has commenced, the conditional use permit in connection with the stages (phases) of the Planned Unit Development as shown on the approved site plan shall not lapse or expire even though construction may not have commenced within the specified time period for the later stages (phases) of the development.

(d) Subdivision Review and Approval. The developer shall plat the entire development as a subdivision pursuant Appendix B, Subdivision Ordinance of the Code of Ordinances, City of Lynchburg, 1981; however, Planned Unit Developments being developed in stages may be platted in the same stages.

(e) Financial Responsibility. No building permits shall be issued for construction within a Planned Unit Development until public improvements are installed or performance bond posted in accordance with the Subdivision Ordinance. (Ord. No. O-83-154, § 1, 7-12-83)

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## **Sec. 35-19.1. Sale and Display of Merchandise or Placement of Items within Public Right-Of-Way in the Downtown Business District.**

Sec. 35-19.1. Sale and display of merchandise or placement of items within public right-of-way in the downtown business district.

(a) In order to help encourage the growth and development of businesses in the downtown business district, a business may apply for an annual permit allowing the business to display goods, wares or merchandise, or to place showcases, menu easels, benches or tables and chairs for customers, signs and similar items within the public right-of-way adjacent to the business.

(b) Any business in the downtown business district that desires to place items in the public right-of-way shall make written application to the department of public works. The application shall contain the following information:

(1) The name, address, and telephone number of the business, (2) a description of and the proposed location of the items, (3) the name, address and telephone number of the person that will be responsible for overseeing the placement and removal of the items in and from the public right-of-way, and (4) any other information the department of public works decides is necessary to determine if the items can be safely placed in the public right-of-way.

(c) If, in the opinion of the department of public works, the proposed items can be located in the public right-of-way without endangering the public safety an annual permit shall be issued allowing the placement of the items in that portion of the public right-of-way that is adjacent to the business submitting the application. Such items shall be located so as not to cause any inconvenience or danger to persons using the public right-of-way or create unsightly conditions. All items placed on a public sidewalk shall be located in such a manner as to leave at least four (4) feet of clearance between the item and edge of the curb. Items shall not be placed within three feet of any public area that is improved with flowers, shrubs, trees or other landscaping. A permit shall state whether or not the items can remain in the public right-of-way for a twenty-four (24) hour period or must be removed at the end of the business day. A business that receives a permit to place items in the public right-of-way shall keep the permit on the premises and shall allow city representatives to inspect the permit during regular business hours.

(d) No item placed in the public right-of-way shall be used for the advertisement, display or sale of alcohol or tobacco products or for the consumption of any alcoholic beverage.

(e) A permit shall be revoked upon a finding by the department of public works that the items located in the public right-of-way cause any inconvenience or danger to persons using the public right-of-way or create an unsightly condition. A permit may also be revoked if any of the information supplied on the application is discovered to be false or misleading or if the applicant fails to maintain the insurance required in paragraph "f" of this section. Upon notification that its permit has been revoked the business, at its sole expense, shall immediately remove all items from the public right-of-way and restore the right-of-way to its former condition. If a business fails to remove items that were placed in the public right-of-way after having been notified to do so the city may remove such items at the expense of the business.

(f) Before placing any items in the public right-of-way the business must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount and form as shall be approved by the city's risk management coordinator. The certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.

(g) This section shall not apply to newspaper vending machines and public telephone facilities; however, such items must be located in such a manner so as not to cause any inconvenience or danger to persons using the public right-of-way.

(h) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. O-83-045, § 1, 3-8-83; Ord. No. O-97-083, 5-13-97)

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## **Sec. 35-24. Unlawful to Install and/or Expand Communications Systems without a Franchise.**

Sec. 35-24. Unlawful to install and/or expand communications systems without a franchise.

The Council of the City of Lynchburg has determined that it is in the best interests of the City and its citizens to regulate and grant franchises to entities desiring to construct, operate and maintain communications systems within the public streets, alleys, public grounds or other public rights-of-way.

No corporation, association, person, partnership, or any other entity, whether public or private, profit or not for profit, shall construct, operate, expand or maintain a public or private communication system, any type of transmitter/receiver system, any telecommunication system, or any other system of any nature whatsoever for the purpose of transmitting or receiving voice, data, video or image signals in any of the City's streets, alleys, public grounds or other public rights-of-way without first obtaining a franchise from the Lynchburg City Council.

No corporation, association, person, partnership, or any other entity, which currently has a franchise from the city to maintain electric, gas, light, power, telephone, cable television, or any other services in the City's streets, alleys, public grounds, or other public rights-of-way shall expand, sell, lease or transfer their equipment and facilities to include any of the activities listed above without first obtaining a modification of their existing franchise from the City specifically permitting such activities.

Any violation of this section shall be punishable as a class 1 misdemeanor and each day such violation continues shall be punishable as a separate offense. In addition to the other penalties provided herein the City shall have the right to petition the judge of the circuit court for a court order injoining any violation of this section. (Ord. No. O-95-132, 5-23-95)

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## **Sec. 35-25. Authority to Enter into Agreements and Set Fees for Access to Fiber Optic Facilities Located in the Public Rights-Of-Way.**

Sec. 35-25. Authority to enter into agreements and set fees for access to fiber optic facilities located in the public rights-of-way.

(a) The city manager or his or her designee shall have the authority to make and/or enter into contracts or other agreements or arrangements concerning access to the city's fiber optic facilities located in the public rights-of-way, as deemed necessary; provided that the terms and conditions of such contracts shall not be contrary to the provisions of this code.

(b) The city manager or his or her designee shall have the authority to prescribe, revise and collect fees for access to the city's fiber optic facilities. Such fees shall take into consideration the city's cost of installing, operating, maintaining, and managing such facilities, a reasonable rate of return on the city's investment, and the intended purpose for which the user is seeking access to the facilities.

(c) The city manager shall file with the city clerk and make available for public inspection all schedules of fees which the city has established and which are in force at that time. (Ord. No. O-97-196, 9-23-97)

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## **Sec. 35-26. Public Rights-Of-Way Use Fee for Providers of Telecommunications Services.**

Sec. 35-26. Public rights-of-way use fee for providers of telecommunications services.

(a) For purposes of this section:

"Certificated provider of telecommunication services" means a public service corporation holding a certificate issued by the State Corporation Commission to provide local exchange or interexchange telephone service.

"Public rights-of-way use fee" means a fee charged and billed monthly to the ultimate end user of each access line of a certificated provider of local exchange telephone service, the rate of which fee shall be established annually by the Virginia Department of Transportation in the manner specified in Section 56-468.1 of the Code of Virginia.

(b) The public rights-of-way use fee is hereby imposed on the ultimate end user of each access line, as defined in Section 56-468.1 (A) of the Code of the Virginia and shall be collected by each certificated provider of local exchange telephone provider service operating in the city, but not providers of commercial mobile radio services. Within two months after the end of each calendar quarter, each such certificated provider shall remit to the city's finance department the amount of public rights-of-way use fees it has billed to end users of the provider's services during such preceding quarter. Fee so collected by the certificated providers shall be deemed to be held in trust until remitted to the city's finance department. Such fees shall constitute a debt of the ultimate end user until paid to such provider. If any ultimate end user refuses to pay the public rights-of-way use fee, the local exchange service provider shall furnish the name and address of each such ultimate end user on a quarterly basis along with the remittance of fees.

(c) The public rights-of-way fee shall be in lieu of, and not in addition to, the permit inspection and other fees imposed by the city code on certificated providers of telecommunications services. No certificated provider of telecommunication services shall be required to pay such permit or inspection fees or any other city fees or charges (except for zoning, subdivision, site plan and comprehensive plan fees of general application) as a condition of, or as compensation for, its use of the public rights-of-way.

(d) Nothing in this section, however, shall relieve any certificated provider of telecommunication services from submitting plans, applying for permits and adhering to applicable standards for construction, installation of facilities and street or roadway repairs in the manner required by the city code and all other applicable statutes, ordinances or regulations, provided such requirements are no greater than those imposed on all other providers of telecommunications or nonpublic providers of telecommunications or nonpublic providers of cable television, electric, natural gas, water or sanitary sewer services. Any application by a certificated provider of telecommunication services to use city rights-of-way shall be granted or denied by the city manager within forty-five (45) days after receipt, and, if denied, shall be accompanied by a written explanation of the reasons for denial and the actions required to cure the denial.

(e) Nothing in this section shall affect the type or amount of fees payable by providers of cable television services pursuant to any existing or future franchise, license or permit granted by the city.

(f) Nothing in this section shall affect any amount payable by any provider of telecommunications services for the right to locate towers or other facilities on property of the city other than within the public rights-of-way nor shall anything prohibit the city from entering into voluntary pole attachment, conduit occupancy or conduit construction agreements with any certificated provider of telecommunications service.

(g) The city shall annually expend at least ten percent (10%) of the amount of the public rights-of-way use fees it receives under this section for transportation construction or maintenance purposes. (Ord. No. O-98-151, 6-23-98, eff. 10-1-98)



## **Sec. 35-38. Pipe for Drainage Ditch.**

Sec. 35-38. Pipe for drainage ditch.

For the crossing of any drainage ditch the owner shall provide at his expense a pipe or conduit of such size and length as may be specified by the city engineer, such pipe or conduit to be placed or installed by the city. (Code 1959, § 30-3.1)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 35-55. Inspection Fee; Deposit.**

Sec. 35-55. Inspection fee; deposit.

Before any permit shall be issued under the provisions of this article, the applicant therefor shall deposit with the city an inspection fee in the amount of twenty-five dollars (\$25.00) for each permit applicable to an area not exceeding ten (10) square feet plus fifty cents (\$0.50) for each square foot in excess thereof. These fees are subject to annual review and revision by the city council. If in the opinion of the city engineer a permit requires more than the usual routine administrative and inspection time, the utility shall be billed for all costs associated with this permit at a cost plus an overhead rate.

To ensure the restoration of the excavated area (for a minimum of one (1) year), the applicant shall also submit a bond, certified check, or other method of surety as approved by the city attorney. The amount of said bond, certified check, or surety shall be determined by the city engineer or such other person or persons as the city may from time to time designate. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-84-141, § 1, 6-12-84; eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-92-144, 5-12-92)

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## **Sec. 36-177. Exemption of Real Estate Taxes for Certain Rehabilitated or Renovated Residential and Commercial and Industrial Real Estate.**

Sec. 36-177. Exemption of real estate taxes for certain rehabilitated or renovated residential and commercial and industrial real estate.

(a) Definitions. For the purpose of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection unless another meaning shall clearly appear from the text:

(1) Substantially rehabilitated or renovated residential/multifamily (6 units or more) real estate: Real estate upon which there is an existing residential or multifamily structure, which is no less than fifty (50) years of age, and which has been so improved as to increase the assessed value of the structure by no less than forty (40) per cent. An addition to an existing residential or multifamily structure shall not qualify as substantial rehabilitation or replacement unless there is also simultaneous rehabilitation or renovation of the existing structure. In order for an addition to an existing structure to qualify as substantial rehabilitation or renovation, the addition must be for improvements to the living areas of the structure, such as bathrooms, kitchens, bedrooms and similar facilities. Additions for such things as garages, swimming pools, patios and similar facilities that are not used as living areas for the structure shall not be eligible for a tax exemption.

(2) Substantially rehabilitated or renovated commercial or industrial real estate: Any real estate upon which there is an existing commercial or industrial structure which is no less than twenty-five (25) years of age, and which has been so improved as to increase the assessed value of the structure by no less than sixty (60) per cent.

(3) Base value: The assessed value of any structure covered by this section prior to the commencement of rehabilitation or renovation work, as determined by the city assessor upon receipt of an eligible application for rehabilitated or renovated real estate tax exemption and after a physical inspection of the property by an appraiser from the city assessor's office.

(4) Rehabilitated or renovated real estate tax exemption: An amount equal to the increase in assessed value resulting from the substantial rehabilitation or renovation of a structure as determined by the city assessor and this amount only should be applicable to subsequent tax exemption.

(5) Taxable year: For the purpose of this section, the fiscal year from July 1 through June 30 for which such real estate tax is imposed for the exemption claimed.

(6) Owner: The person or entity in whose name the structure is titled or a lessee who is legally obligated to pay real estate taxes assessed against the structure.

(b) Rehabilitated or renovated real estate tax exemptions. It is hereby declared to be the purpose of this section to authorize a rehabilitated or renovated real estate tax exemption for substantially rehabilitated or renovated residential, multifamily, commercial or industrial real estate located anywhere within the City of Lynchburg. For each residential and multifamily property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of fifteen (15) years commencing on July 1 for any work completed during the preceding fiscal year. For each commercial or industrial property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of five (5) years commencing on July 1 for any work completed during the preceding fiscal year.

(c) Usual and customary methods of assessing. In determining the base value and the increased value resulting from substantial rehabilitation or renovation of residential, multifamily, commercial or industrial real estate, the city assessor shall employ usual and customary methods of assessing real estate.

(d) Eligibility requirements:

- (1) An application to qualify a structure as a substantially rehabilitated or renovated residential, multifamily, commercial or industrial structure must be filed with the city assessor's office before work is started. Applications may be obtained from the city assessor's office.
- (2) Upon receipt of an application for rehabilitated or renovated real estate tax exemption, an appraiser from the city assessor's office shall make a physical inspection of the structure and determine the assessed base value of the structure. If work has been started prior to the first inspection; the base value will include any work started and will reflect the market value of the structure as of the date of the first inspection.
- (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 city assessor in writing, and an appraiser from the city assessor's office shall physically inspect the property and perform an after rehabilitation or renovation appraisal to determine if it then qualifies for the rehabilitated or renovated real estate tax exemption.
- (5) Upon determination that the property has been substantially rehabilitated or renovated pursuant to the terms of this section, the rehabilitated or renovated real estate tax exemption shall become effective for a period as provided in paragraph (b) hereof.
- (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 this code.
- (7) No improvements made upon vacant land nor total replacement of residential, multifamily, commercial or industrial structures shall be eligible for rehabilitated or renovated real estate tax exemption as provided by this section. Tax exemptions for improvements to vacant land and for the replacement or repair of damaged or destroyed structures within the city's redevelopment or conservation areas or rehabilitation districts are regulated by Section 36-177.1 of the city code.
- (8) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the city assessor has verified that the rehabilitation or renovation indicated on the application has been completed.
- (9) Multifamily residential structures after rehabilitation or renovation is completed shall remain as such or may be used as single-family residences for the remainder of the exemption period.
- (10) There shall be a non-refundable fee of one hundred twenty-five dollars (\$125.00) for processing each residential application and two hundred fifty dollars (\$250.00) for processing each multi-family, commercial or industrial application under this section.
- (11) The property must at all times be in compliance with all Lynchburg city codes including, without limitation, the building code, the rental housing code, the zoning ordinance and all other codes that relate to real estate within the City of Lynchburg. Failure to correct the violation within the required time, as provided by the building inspector, will void the remainder of the exemption. If a structure is damaged or destroyed and found to be uninhabitable, the exemption will be terminated.
- (12) No exemption shall be granted if access to the entire property is denied to the city assessor's office or the inspections division.
- (13) All taxes must be paid and current to be eligible for an exemption. If the city assessor is notified by the billing and collections department that the property is more than thirty (30) days delinquent on taxes, then the remainder of the exemption will be void.
- (14) Only one rehabilitation or renovation exemption may be active for a parcel at any given time.

(e) Exemption to run with the land. The rehabilitated or renovated real estate tax exemption shall run with the land, and the owner of such property during each of the years of exemption shall be entitled to the amount of partial exemption. (Ord. No. O-82-252, § 1, 12-14-82; Ord. No. O-84-274, § 1, 11-27-84, eff. 7-1-84; Ord. No. O-88-277, § 1, 10-11-88; Ord. No. O-93-331, 12-14-93; Ord. No. O-03-040, 2-25-03, eff. 4-1-03; Ord. No. O-08-075, 5-27-08)

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## **Sec. 36-189. Recordation Tax.**

Sec. 36-189. Recordation tax.

Pursuant to Section 58.1-814, Code of Virginia (1950), as amended, in addition to the recordation tax imposed by the Commonwealth of Virginia, there is hereby imposed a city recordation tax in an amount equal to one-third (1/3rd) of the amount of the state recordation tax collectible for the state on the first recordation of each taxable instrument in this city; provided, however, where a deed or other instrument conveys, covers or relates to property located partially in this city and also to property located partially in another city or county or in other counties or cities, the tax imposed under the authority of this section shall be computed only with respect to the property located in this city. (Tax Code 1941, § 136; Ord. of 6-1-78; Ord. No. O-04-080, 7-13-04)

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## **Sec. 36-189.1. Probate Tax.**

Sec. 36-189.1. Probate tax.

Pursuant to Section 58.1-1718 of the Code of Virginia (1950), as amended, there is hereby imposed a City tax on the probate of every will or grant of administration in an amount equal to one third of the amount of the state tax imposed for the probate of a will or grant of administration. Such tax shall be collected by the Clerk of the Lynchburg Circuit Court and shall be transmitted to the City on a monthly basis. (Ord. No O-92-189, 6-9-92)

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## **Sec. 36-189.2. Fee for Recording a List of Heirs or Affidavit.**

Sec. 36-189.2. Fee for recording a list of heirs or affidavit.

Pursuant to the provisions of Section 58.1-1718 of the Code of Virginia, the City hereby charges a twenty-five dollar (\$25.00) fee for the recordation of a list of heirs pursuant to Section 64.1-134 of the Code of Virginia or an affidavit pursuant to Section 64.1-135 of the Code of Virginia, as provided in Section 58.1-1717.1 of the Code of Virginia. (Ord No. O-11-024, 3-8-11, eff. 7-1-10)

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## **Sec. 37-86. Fee.**

Sec. 37-86. Fee.

A fee of fifty dollars (\$50.00) shall be paid to the city for processing and investigating the applicant, which fee shall be nonrefundable. (Code 1959, § 31-55; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

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## **Sec. 39-7. Maintenance Generally.**

Sec. 39-7. Maintenance generally.

When the occupant of a lot or premises on which fixtures to supply water have been installed shall permit the water to run from these fixtures without proper care to prevent waste or shall fail to keep his water pipes or fixtures in good repair and protected from freezing, there shall, in each case, be a fine on such occupant of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) and, in either case, the utilities division shall stop the water from the lot or premises and not turn it on again until arrangements satisfactory to the department of public works are made to ensure against future waste or damage. In cases where there are two (2) or more premises supplied by a single tap and the fixtures are accessible to all, a like penalty shall apply to each of the several occupants having access to the fixtures, unless one of the occupants assumes sole responsibility. (Code 1959, § 32-8)

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## **Sec. 39-12. Opening or Using Fire Hydrants.**

Sec. 39-12. Opening or using fire hydrants.

It shall be unlawful and a class 2 misdemeanor for any person, except a member of the fire division or an employee of the department of public works, to open or in any way use the high-pressure fire hydrant, which are painted lime green with a one (1) inch wide black band at the base. It shall be unlawful for any person, except a member of the fire division or an employee of the department of public works, to open or in any manner use any other fire hydrants of the city without the authority of the director of the department of public works. Unauthorized use of a hydrant will result in a two hundred dollar (\$200.00) fee to the owner, developer, contractor, or individual. The billings and collections division-utility billing customer service office of the department of financial services or the utilities division of the department of public works will issue a miscellaneous invoice to the customer for the fee. (Code 1959, § 32-14; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-03-111, 6-10-03)

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## **Sec. 39-13. Obstructing Access to Fire Hydrants, Meters.**

Sec. 39-13. Obstructing access to fire hydrants, meters.

It shall be unlawful and a class 3 misdemeanor for any person to place or cause to be placed around or near any of the fire hydrants or water meters of the city any goods or foliage or other thing in such a manner as to obstruct the free access to such hydrants or water meters. The occupant of any real estate for which a water meter has been installed and access is obstructed will be charged a fee of thirty dollars (\$30.00) for each subsequent visit to the property to gain access to the water meter. (Code 1959, § 32-15; Ord. No. O-03-111, 6-10-03)

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## **Sec. 39-27. General Terms, Conditions and Provisions Applicable to Water Mains Extended or Installed with City Approval.**

Sec. 39-27. General terms, conditions and provisions applicable to water mains extended or installed with city approval.

(a) Title to any water main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public water systems are already installed, replacement or enlargement of the water pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any water main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the water service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving water main connections

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution storage facilities. The availability charges are as follows:

a. Single-family residence:

1. Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be one thousand two hundred twenty dollars (\$1,220.00) per connection, for each such petitioner.

2. Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be one thousand one hundred sixty dollars (\$1,160.00) per connection, for each such petitioner.

3. Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be one thousand one hundred dollars (\$1,100.00) per connection, for each such petitioner.

4. Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be one thousand forty dollars (\$1,040.00) per connection, for each such petitioner.

5. Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be nine hundred eighty dollars (\$980.00) per connection, for each such petitioner.

6. Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be nine hundred twenty dollars (\$920.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a master meter is used:

1. For the first five (5) units, six hundred ten dollars (\$610.00) each.

2. For the second five (5) units, four hundred sixty dollars (\$460.00) each.

3. For all additional units, three hundred ten dollars (\$310.00) each.

4. Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one (1) unit will require the availability charge as specified above in Section 39-27(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space or if a meter one (1) inch in diameter or smaller is used, the charge shall be one thousand two hundred twenty dollars (\$1,220.00). If a meter in excess of one (1) inch in diameter is required, the following charges shall apply:

<b>Availability Charge</b>	<b>Floor Space</b>
\$1,220.00	0 to 2,000 square feet
\$1,530.00	2,001 to 10,000 square feet
\$2,290.00	10,001 to 20,000 square feet
\$3,820.00	20,001 to 35,000 square feet
\$6,110.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate changes.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city water main, the owner desiring city water service shall be required to sign a petition for extension of water mains.

(1) Single-family and multifamily structures and mobile home parks:

a. Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the water main extension, the city shall prepare an estimate for the installation of a water main.

b. Such estimate shall be prepared on the basis that the location, character and size of the extension and the plans and specifications for the extension and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service:

a. Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 39-27(c)(2)c. shall be applicable.

b. Where the council has determined that the petitioned project is not economically feasible to the city the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire noncity portion shall be apportioned by council between the petitioning property owners as their availability charges. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2) (a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections

division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

- (1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.
- (2) The availability and connection charges and interest must be paid in full within one year.
- (3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.
- (4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.
- (5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.
- (6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.
- (7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.
- (8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities.

- (f) Water main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.
- (g) In addition to the previous applicable requirements, whenever any person owning property along the line of any water main in the city shall desire water service into his premises, he shall execute an agreement known as an "application for water." In addition thereto, the licensed plumber employed by him shall make written application therefor to the city on forms prescribed for that purpose.

Unless the service pipe and meter box have been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the proposed meter and service. An applicant for any new service must make an estimate of the size connection needed for all meters greater than five-eighths (5/8ths) inch with a three-fourths (3/4ths) inch service for the particular building in order that the proper size service pipe and meter may be installed to satisfy the demand. Upon approval of the application and payment of certain fixed water connection fees must be made as follows:

- (1) 3/4-inch service—5/8-inch meter \$1,045.00
- (2) 1-inch service—5/8-inch meter \$1,100.00
- (3) 1-inch service—1-inch meter \$1,265.00
- (4) Larger than 1-inch service and 1-inch meter - Cost plus 15 %; minimum charge of \$1,265.00;

The city will then install a service pipe leading from the main in the street to the water meter box near the property line and/or install the meter. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate water service and meter for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the meter box. All such connections and all plumbing work incident to the introduction of water into the premises shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot: For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution facilities, the sum of three hundred dollars (\$300.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 39-27(c)(2)a. will be paid by the property owner except, however, that where he or a previous owner of this property participated in the cost of such line, no availability charge shall be payable.

(i) Residential subdivisions of no more than one (1) dwelling unit per lot: Notwithstanding the conditions of Section 39-27(g) and 24-31(a) city council may, upon request and after having obtained appropriate commitments for development of streets, recreational facilities, and other issues related to providing for affordable housing in the city, enter into a special agreement with subdivision developers, whereas the city would reimburse the developer for 100% of the cost of installing waterlines within the subdivision boundaries provided that: the agreement provides for guarantees from the developer that 80% of the projected revenue from the annual water rates paid by customers connected to the installed waterline within the subdivision boundaries in the first ten years will pay the total cost of the reimbursed amount, within the following ten years. Guarantees may be in the form of liens placed on lots within the subdivision; cash payments; bonds; or other forms of securities satisfactory to the city attorney. Such guarantees shall remain in effect until the full amount of the security is paid. The director of utilities shall review such records relating to the agreement to assure that the projected revenue from the development will recover the cost of the waterline reimbursement over a period of twenty years. The developer shall be responsible for providing all information necessary to assure compliance with the terms of the agreement. The city shall render a bill to the developer after the first 10 years that the agreement is in force for the difference of the amount of projected revenue from the customers connected to the waterlines at that time and the total amount of the reimbursement for the cost for the installation of the waterlines. If any covenants of the agreement are not satisfied, the city shall render a bill immediately relating to the remaining waterline costs.

(j) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city water lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's water system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of 5 percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants failed to make payments in accordance with the water and sewer service availability fee installment agreement the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the water line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupant of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings, or to commercial and institutional facilities. (Code 1959, § 32-16.4; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153, § 2, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-96-142, 5-28-96; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01; Ord. No. O-02-186, 10-8-02, eff. 2-3-03; Ord. No. O-03-051, 3-11-03, eff. 1-1-04; Ord. No. O-04-030, 3-9-04, eff. 1-1-05; Ord. No. O-06-036, 4-11-06, eff. 7-1-06; Ord. No. O-06-103, 8-8-06; Ord. No. O-07-046, 4-10-07, eff. 7-1-07; Ord. No. O-08-046, 4-8-08, eff. 7-1-08; Ord. No. O-13-039, 3-26-13, eff. 7-1-13)

## **Sec. 39-27.3. Deferral of Availability Charges and Connection Fees to the City Water System for Certain Persons.**

Sec. 39-27.3. Deferral of availability charges and connection fees to the city water system for certain persons.

For those owner-occupants of existing dwellings, who have an equity not exceeding thirty thousand dollars (\$30,000.00) therein and who meet the financial eligibility requirements of the medicaid program for Group III Virginia localities, charges and connection fees imposed by Section 39-27(c)(2) shall, upon request, be deferred until such time as title to the property passes by sale or inheritance. Such persons shall, prior to connection with the city water system, execute a petition, approved by the city attorney, granting to the city a lien in the amount of the fees and charges plus all interest which may accrue. When the charges are so deferred, they shall be subject to the payment of an annual simple interest charge of six per cent (6%) on the unpaid balance of such fees and charges. Provided that such persons shall have the right at any time to make payments, partial or in full, of the balance due for such connection. Passage of title to a spouse shall not constitute inheritance under this section. (Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

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## **Sec. 39-29. Turning Water on After Connection Made within City.**

Sec. 39-29. Turning water on after connection made within city.

The provisions of this section apply to water accounts that were established prior to July 1, 2012. As used in this section the term water account or water service includes the city's fees for water service, sewer service and storm water maintenance fees that are added to the city's combined water bill. Whenever any individual, commercial or industrial establishment desires the use of water on premises owned or leased by them within the city limits, where all connections have been made in accordance with the provisions of this chapter, they shall make application therefor to the utilities customer service office, accompanying each application with a fee of fifteen dollars (\$15.00) for turning on and/or transferring the account. Multi-unit facilities will require the owner, landlord, or property management agent to make application to the billings and collections division-utility billing customer service office of the department of financial services to activate water at a service address. Whenever any person applying for water service shall have complied with this requirement and his water fixtures are in good condition, the utilities customer service office shall then cause the water to be turned on. (Code 1959, § 32-18; Ord. No. O-80-103, § 1(32-18), 4-22-80, eff. 8-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-92-071, 3-10-92; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-03-111, 6-10-03; Ord. No. O-12-083, 6-26-12, eff. 7-1-12)

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## **Sec. 39-31. Wrongful Connections.**

Sec. 39-31. Wrongful connections.

It shall be unlawful for any person to introduce water from the water distribution system into any premises, except as provided in this chapter.

A one hundred dollar (\$100.00) fee will be charged to the occupant or owner of any real estate using an unauthorized water meter connected to the City of Lynchburg water main for the purpose of obtaining water as provided in Section 39-29 and Section 39-29.1. (Code 1959, § 32-21; Ord. No. O-03-111, 6-10-03)

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## **Sec. 39-33. Cutting Off or Restoration of Water Service.**

Sec. 39-33. Cutting off or restoration of water service.

Whenever a customer requests the city to cut off or restore water service, a fee of thirty dollars (\$30.00) shall be charged for each call. (Ord. No. O-88-062, § 2, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 39-42. Fees, Charges, Collection of Water Accounts Established after July 1, 2012.**

Sec. 39-42. Fees, charges, collection of water accounts established after July 1, 2012.

(a) For water and sewer services provided by the city after July 1, 2012, a deposit will be charged to and collected from: (i) any person contracting for the same; (ii) the owner who is the occupant of the property or where a single meter serves multiple units; (iii) a lessee or tenant, provided that the lessee or tenant has written authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant with such fees and charges applicable for water and sewer services.

(b) A deposit shall be required of any individual, commercial or industrial establishment desiring the use of water on premises owned or leased by them within the city limits, where all connections and applications have been made in accordance with the provisions of this chapter, except for water accounts that are set up in the name of a lessee or tenant the deposit which are addressed in paragraph (c) of this section, if such applicant is known to have a poor payment history. Poor payment history is defined as non-payment of city fees and taxes in a timely manner or excessive late fees on water and sewer accounts. The amount of the deposit is the greater of the customer's average quarterly water and sewer bill or seventy-five dollars (\$75.00) for a residential meter, or for a commercial meter, which deposit is based on meter size—five-eighth (5/8) inch meter, seventy-five dollars (\$75.00); one (1) inch meter, one hundred forty-five dollars (\$145.00); one and one-fourth (1 1/4) inch meter, two hundred dollars (\$200.00); one and one-half (1 1/2) inch meter, two hundred fifty-five dollars (\$255.00); two (2) inch meter, three hundred ten dollars (\$310.00); three (3) and four (4) inch meter, five hundred seventy-five dollars (\$575.00); over four (4) inch meter, one thousand dollars (\$1,000.00)—to guarantee the payment of such account. The deposit may be refunded, together with interest based upon the published rate in the daily Wall Street Journal for certificates of deposit having a maturity of one year, as of the date on which the city accrues interest for utility deposits, to each consumer who has maintained a satisfactory payment record for at least twelve (12) months. The deposit plus interest of any consumer not refunded will be credited against any final bill rendered to such consumer at the time service is discontinued. If at any time a satisfactory payment record is not maintained by any consumer from whom a deposit was not required, the director of finance may require that such deposit be made or, if at any time a consumer whose deposit has been refunded does not maintain a satisfactory payment record, the director of finance may again require such deposit.

(c) In situations where a property owner is unwilling to establish a water account in his name the water account will be established in the name of the lessee or tenant. Provided, however, no water account shall be established in the name of a lessee or tenant unless the lessee or tenant provides the city with an authorization form signed by the property owner authorizing the city to establish a water account in the name of the lessee or tenant. When a lessee or tenant applies for water service the city will provide the lessee or tenant with an authorization form that is to be signed by the property owner. The authorization form will be in substantially the same format as set forth in Section 15.2-2119 of the Code of Virginia. The completed and signed form must be returned to the city before the city will authorize water service in the lessee's or tenant's name. Property owners who sign a form authorizing water service to be established in the name of a lessee or tenant will be sent a one-time notice in writing or by email that a lien may be placed on the owner's property if the lessee or tenant defaults on the payment of his water bill.

When a water account is established in the name of a lessee or tenant of a residential property the city will collect a security deposit in the amount of three (3) months of typical water, sewer and stormwater charges for the property and when a water account is established in the name of a lessee or tenant of a commercial or industrial property the city will collect a security deposit in the amount of three (3) months of typical water, sewer and stormwater charges for the property. In cases of newly constructed properties the amount of the security deposit will be based on the estimated water usage for the property. The city will not require a security deposit from the lessee or tenant to obtain water and sewer services in the name of such lessee or tenant if such lessee or tenant presents to the city a property owner authorization letter which has attached documentation showing such lessee or tenant receives need-based local, state, or federal rental assistance. When a lessee or tenant is not required to pay a security deposit because the

lessee or tenant receives need-based local, state, or federal rental assistance the property owner shall pay a security deposit for the water account in the amount provided for in paragraph (b) of this section.

A water account shall be placed in the property owner's name and the security deposit required in this paragraph shall be collected from the property owner (i) when the property owner fails or refuses to submit the lessee tenant authorization form to the city and (ii) where a single water meter serves multiple tenant units.

(d) In addition to the security deposit required by this section, whenever any individual, commercial or industrial establishment desires the use of water on premises owned or leased by them within the city limits, where all connections have been made in accordance with the provisions of this chapter, they shall make application therefor to the utilities customer service office, accompanying each application with a fee of fifteen dollars (\$15.00) for turning on and/or transferring the account.

(e) A water account becomes delinquent if it is not paid within twenty-one (21) days of the bill date. If any of the fees and charges for water service, sewer service or storm water maintenance for water accounts that are established after July 1, 2012, are not paid when due and payable such fees and charges shall be collected in accordance with the collection procedures as set forth in Section 15.2-2119 of the Code of Virginia as adopted on July 1, 2012. (Ord. of 6-26-12, Ord. No. O-12-083, eff. 7-1-12)

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## Sec. 39-54.1. Schedule of Water Rates.

Sec. 39-54.1. Schedule of water rates.

The monthly water rates for all consumers within the city shall be two dollars and thirty-eight cents (\$2.38) per h.c.f. of water used.

There shall be, in addition to any other charge, a monthly service charge of three dollars and sixty nine cents (\$3.69) plus two dollars (\$2.00) per equivalent meter factor per meter for a total monthly service charge as shown in the following table.

<b>Meter Size</b>	<b>Monthly Account Charge</b>	<b>Meter Factor</b>	<b>Fee per Equivalent Meter Factor</b>	<b>Fee per Meter</b>	<b>Total Monthly Service Charge</b>
5/8"	\$3.69	1.0	\$2.00	\$2.00	<b>\$5.69</b>
3/4"	\$3.69	1.5	\$2.00	\$3.00	<b>\$6.69</b>
1"	\$3.69	2.5	\$2.00	\$5.00	<b>\$8.69</b>
1-1/2"	\$3.69	5.0	\$2.00	\$10.00	<b>\$13.69</b>
2"	\$3.69	8.0	\$2.00	\$16.00	<b>\$19.69</b>
3"	\$3.69	15.0	\$2.00	\$30.00	<b>\$33.69</b>
4"	\$3.69	30.0	\$2.00	\$60.00	<b>\$63.69</b>
6"	\$3.69	60.0	\$2.00	\$120.00	<b>\$123.69</b>
8"	\$3.69	90.0	\$2.00	\$180.00	<b>\$183.69</b>
10"	\$3.69	150.0	\$2.00	\$300.00	<b>\$303.69</b>

(Ord. No. O-87-231, § 1, 10-13-87; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-89-006, § 1, 1-10-89, eff. 7-1-89; Ord. No. O-91-043, 3-12-91, eff. 9-1-91; Ord. No. O-93-281, 10-12-93, eff. 1-1-94; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02; Ord. No. O-03-051, 3-11-03, eff. 7-1-03; Ord. No. O-04-030, 3-9-04, eff. 7-1-04; Ord. No. O-05-042, 4-12-05, eff. 7-1-05; Ord. No. O-06-036, 4-11-06, eff. 7-1-06; Ord. No. O-07-046, 4-10-07, eff. 7-1-07; Ord. No. O-08-046, 4-8-08, eff. 7-1-08; Ord. No. O-09-020, 4-14-09,

eff. 7-1-09; Ord. No. O-10-033, 4-13-10, eff. 7-1-10; Ord. No. O-11-027, 3-22-11, eff. 7-1-11; Ord. No. O-12-032, 3-27-12, eff. 7-1-12; Ord. No. O-13-039, 3-26-13, eff. 7-1-13)

## **Sec. 39-54.1.2. Fire Flow Capacity Charge.**

Sec. 39-54.1.2. Fire flow capacity charge.

The purpose of this charge is to recover the water system costs associated with providing fire protection and suppression capability from those customers with connections to the water system installed for the purpose of supplying water to on-site hydrants, standpipes, sprinkler systems or combinations thereof. The annual charges shall be as follows:

Hydrant or 8" or small fire line—\$237.48

10" fire line—\$426.36

12" fire line—\$676.56

(Ord. No. O-91-043, 3-12-91, eff. 9-1-91; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-96-035, 2-13-96, eff. 7-1-96; Ord. No. O-97-038, 3-11-97, eff. 7-1-97; Ord. No. O-98-014, 2-10-98, eff. 7-1-98; Ord. No. O-99-041, eff. 7-1-99; Ord. No. O-00-045, 3-14-00, eff. 7-1-00; Ord. No. O-01-061, 3-27-01, eff. 7-1-01; Ord. No. O-02-045, 3-12-02, eff. 7-1-02; Ord. No. O-03-051, 3-11-03, eff. 7-1-03; Ord. No. O-04-030, 3-9-04, eff. 7-1-04; Ord. No. O-10-033, 4-13-10, eff. 7-1-10)

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## **Sec. 39-62. Penalty for Delinquency.**

Sec. 39-62. Penalty for delinquency.

If any such water and sewerage bill is not paid within five (5) days after due date, it shall be declared delinquent and shall be subject to a penalty of five (5) percentum of the amount of the bill. The penalty shall be added to the unpaid bill or subsequent bills. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-85-270, § 1, 10-22-85)

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## **Sec. 39-63. Discontinuance of Service, Reconnection and Meter Removal Fees.**

Sec. 39-63. Discontinuance of service, reconnection and meter removal fees.

(a) The water furnished through meters to any customer shall be discontinued, at the discretion of the director of finance or his authorized representative, whenever any bill therefor is not paid within thirty (30) days after due date and, if utilities division employees are dispatched to disconnect service, customers will be assessed a \$25.00 service charge to cover the extra costs incurred by the city. The customer shall be responsible for paying the \$25.00 service charge, the delinquent utility bill, the late payment penalty and applicable deposit, if any. Payment arrangements can be made on the \$25.00 service charge twice during the life of the account. The delinquent utility bill, the late payment penalty and the applicable deposit, if any, must be paid in full before service can be restored. Exceptions can be made, at the discretion of the director of finance or his authorized representative, for accounts that have had leaks, which can be validated by the city.

(b) If, after the service has been discontinued, an inspection of the meter reading on a subsequent date discloses, when compared to a record of the reading when service was initially discontinued, that service has been restored other than by utilities division employees without the authority of the customer service office, the water meter may then be removed to prevent further unauthorized use of water. Service may not be restored after the meter has been so removed until a sixty dollar (\$60.00) "meter removal fee" has been paid, in addition to any unpaid bill, a \$25.00 service charge and the appropriate deposit. (Code 1959, § 32-34; Ord. of 5-31-77; Ord. No. O-80-103, § 1(32-34), 4-22-80; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-027, 2-14-95, eff. 7-1-95; Ord. No. O-99-042, 3-9-99; Ord. No. O-00-249, 11-28-00)

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## **Sec. 39-64. Special Water Sales.**

Sec. 39-64. Special water sales.

(a) Hydrant rental and meter deposit. The sale of water through temporary connections to fire hydrants shall be permitted by the city for short periods of time [less than thirty (30) days] if it is deemed practical by the director of public works or his designee. The purpose of these sales shall be for use of contractors requiring large amounts of water for short periods of time and customers for filling swimming pools. Connections shall be made by the city through an auxiliary valve and portable meter. In no case shall private citizens or contractors operate city fire hydrants for this purpose.

Customers desiring said service shall apply to the utility customer services office at least five (5) working days prior to the need for this service and service shall be provided on basis of availability of auxiliary valves and portable meters.

A deposit of one hundred dollars (\$100.00) will be required at the time of application and will be refunded to the customer upon final settlement of charges for use of the temporary service; provided, that the auxiliary valve and portable meter are not damaged during service.

Charge for said service shall be thirty dollars (\$30.00) per day of use of the auxiliary valve and portable meter starting from the date installed and extending through date of requested removal. In addition, the water usage shall be metered and paid for at the regular city rates as described in Section 39-54(a) with a minimum charge of thirty dollars (\$30.00) per day for the period of usage.

(b) Tank load of water. Customers desiring water by the tank load can obtain water coupons at the city collector's office. The charge for each coupon shall be twenty-five dollars (\$25.00). The water coupons can be redeemed for water at the city's College Hill Filtration Plant located at 6th & Taylor Streets by contacting the water plant operator on duty at least twenty-four (24) hours in advance and arranging for filling of tanks at the College Hill Plant. Each coupon can be redeemed for one thousand (1,000) gallons of water, or a fraction thereof, and shall be based on the size of the tank provided by the customer. (Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

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## **Sec. 39-94. Water Conservation Measures.**

### Sec. 39-94. Water conservation measures.

Upon a determination by the city manager of the existence of the following conditions, the city manager shall take the following actions that shall apply to any person whose water supply is furnished from the city water system:

(a) Stage 1: When moderate but limited supplies of water are available, the city manager shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

(b) Stage 2: When very limited supplies of water are available, the city manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

(1) The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse or nursery stocks and except limited watering for new lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting. Athletic fields are also exempt but shall only be watered to match the evaporation-transpiration rate. In all cases where the above exceptions apply, the watering is not to occur between the hours of 8:00 a.m. and 8:00 p.m. Watering with buckets that have a capacity of five (5) or fewer gallons is permitted at any time.

(2) The washing of automobiles, trucks, trailers, boats, buses, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system. The facility shall post a notice in public view that a recycling system is in operation. Exceptions are for vector trucks, refuse trucks, septage haulers and city buses. Other exceptions must be approved by the director of utilities or a designee and be demonstrated to be necessary for health and safety purposes.

(3) The washing of sidewalks, streets, driveways, parking lots, service stations aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces, unless the use is approved by the director of utilities for health and safety.

(4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The use of water from fire hydrants for any purpose other than fire suppression unless the use has been approved by the director of utilities.

(6) Water service lines from the meter box to the home or structure shall be maintained and have no visible leaks.

(7) Restaurants may serve water to customers only upon request.

(c) Stage 3: When critically limited supplies of water are available, the city manager shall institute a water surcharge on each residential and commercial customer as follows:

The maximum allowable water use at the prevailing city rate will be the average water billed in November through April of the previous year. The actual water use will be recorded for each month and the sum divided by the number of months. The result is the allowable water use in hcf. The result will be rounded down to the nearest whole hcf. This is the maximum amount of water use that will be allowed at the prevailing rate in hcf and is termed the base amount. Use of water over this amount is subject to a surcharge of twenty-five percent (25%) up to one hundred percent (100%). The surcharge is calculated by subtracting the base amount from the actual water use and the remaining hcf is multiplied by the prevailing water rate multiplied by as an example 1.25. The total water portion of the bill is the base amount times the prevailing rate, the amount in excess of the base amount at the surcharge rate plus other applicable fees. For accounts less than one year old the base amount is fixed at 11 hcf. Failure to pay the

full amount of the bill, when due, can result in water service termination. A fifty dollar (\$50.00) charge will be collected prior to service reconnection.

(d) Stage 4: When crucially limited supplies of water are available, the city manager shall restrict the use of water to purposes which are absolutely essential to life, health and safety. (Ord. No. O-02-175, 9-24-02)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 39-95. Penalty and Enforcement.**

Sec. 39-95. Penalty and enforcement.

(a) Any person who violates any provision of this article shall be subject to the following civil penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the City of Lynchburg utilities division.

(2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(3) For the third and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(4) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(5) The city manager may suspend water service to any person continuing to violate the provisions of this article or the regulations promulgated thereunder. If such water service is terminated, the person shall pay a reconnection fee of fifty dollars (\$50.00) before service is restored.

(b) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the director of utilities within ten (10) days of the date of the assessment of the penalty. The director or his designee shall determine that the penalty was properly assessed and notify the complaining person in writing of his determination. Should the director or his designee determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the public works director within ten (10) days of receiving the notice determination. The public works director or his designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

(c) The director of utilities or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person. (Ord. No. O-02-175, 9-24-02)

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## **Sec. 2-363.1. Courthouse Maintenance Fees.**

Sec. 2-363.1. Courthouse maintenance fees.

Beginning on July 1, 1990, and continuing thereafter until changed by Council, there is hereby assessed pursuant to the provisions of Section 17.1-281 of the Code of Virginia, 1950, as amended, the sum of two dollars (\$2.00) as part of the fees taxed as costs in each civil action and in each criminal or traffic case filed in the circuit court, family court and the general district court of the City of Lynchburg, Virginia, said fees to be used for the maintenance, repair, and renovation of the courthouse and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and other ordinary maintenance costs. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the finance department and be held by said finance department for the purposes set-forth in this ordinance. (Ord. No. O-90-179, 6-12-90, eff. 7-1-90; Ord. No. O-90-271, 9-11-90; Ord. No. O-12-135, 11-27-12)

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## **Sec. 2-363.2. Courthouse Security Fees.**

Sec. 2-363.2. Courthouse security fees.

Beginning on July 1, 2007, and continuing thereafter until changed by city council, there is hereby assessed pursuant to the provisions of Section 53.1-120 of the Code of Virginia, 1950, as amended, the sum of ten dollars (\$10.00) as part of the costs taxed in each criminal or traffic case in the circuit court, juvenile and domestic relations district court and the general district court of the City of Lynchburg, Virginia, in which the defendant is convicted of a violation of any statute or ordinance, said fees to be used for the provision of courthouse and courtroom security. The fees provided for herein shall be in addition to any other fees prescribed by law.

Fees hereby levied shall be collected by the clerks of the respective courts in which the criminal and traffic cases are heard, and shall be remitted to the city's billings and collections division and shall be held by the billings and collections division until appropriated by city council to the sheriff's office for the funding of courthouse and courtroom security. (Ord. No. O-02-110, 5-28-02; Ord. No. O-07-051, 4-24-07, eff. 7-1-07)

Last updated date: 7/3/2007 9:15:54 AM

# Sec. 5-6. Rates - Generally.

## Sec. 5-6. Rates—Generally.

Effective on January 1, 2012, and for each year thereafter, unless otherwise changed by city council, the following rates for ambulance services shall apply.

(a) The rates to be charged for the transportation of a patient from one (1) point within the city to another point within the city on a non-emergency basis shall be at a base rate of three hundred twenty-five dollars (\$325.00) per trip, and four hundred twenty-five dollars (\$425.00) per trip when such transportation is conducted on an emergency basis; provided, however, that:

(1) In addition to the base charges provided in subsections (a) and (b) of this section there shall also be a charge of nine dollars (\$9.00) for each mile the patient is transported.

(b) Whenever a patient receives advanced life support procedure performed by the emergency medical services personnel, the rate shall be four hundred twenty-five dollars (\$425.00) per patient, if provided on a non-emergency basis; five hundred dollars (\$500.00) if provided on an emergency basis, and seven hundred dollars (\$700.00) if provided on an emergency basis and three (3) or more different medications combined with at least one (1) specialized ALS procedure are administered.

(c) Whenever an ambulance responds to a call for ambulance service, if the patient is evaluated by emergency medical services personnel and receives treatment but no transport occurs, the rate shall be one hundred dollars (\$100.00) per patient. (Code 1959, § 3.1-15.1; Ord. of 12-13-77; Ord. No. O-82-093, § 1, 5-25-82, eff. 7-1-82; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-92-119, 4-28-92; Ord. No. O-93-082, 3-23-93, eff. 7-1-93; Ord. No. O-93-105, 4-27-93; Ord. No. O-94-318, eff. 1-1-95; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-96-140, 5-28-96; Ord. No. O-00-238, 11-14-00, eff. 12-1-00; Ord. No. O-04-062, 6-8-04, eff. 7-1-04; Ord. No. O-11-130, 11-8-11, eff. 1-1-12)

Last updated date: 11/10/2011 9:01:31 AM

## **Sec. 10-20. Fees.**

### Sec. 10-20. Fees.

When a moped is registered, there shall be paid the sum of five dollar (\$5.00). When the registration is changed from one person to another or from one moped to another, there shall be paid the sum of five dollars (\$5.00). When a number plate or tag is issued to replace one that has been mutilated, lost, stolen or misplaced, there shall be paid the sum of one dollar (\$1.00). Said sums shall be paid to the collections division, and shall be used for the purpose of defraying the costs and expenses incident to the registration of such mopeds and carrying out the provisions of this chapter. (Code 1959, § 5.1-8; Ord. No. O-99-225, 10-12-99, eff. 1-1-00; Ord. No. O-00-008, 01-11-00, eff. 01-01-00)

Last updated date: 10/23/2006 4:15:21 PM

# Sec. 11-167. Inspection Fees.

Sec. 11-167. Inspection fees.

There shall be an inspection fee paid to cover the cost of the initial, follow-up, and periodic inspection's of each residential rental dwelling unit located in those areas of the city covered by this article. For multi-family developments the inspections division shall not charge a fee for more than ten (10) residential rental dwelling units, unless violations of the building code are found affecting the safe, decent and sanitary living conditions for tenants of such multi-family development, the inspections division may inspect as many residential rental dwelling units as necessary to enforce the building code, in which case, the fee shall be based upon a charge per residential rental dwelling unit inspected. The inspection fees will be as established by city council from time to time by resolution and a copy of the schedule of fees will be kept in the office of the inspections division and shall be available for review upon request. No certificate of compliance shall be issued until all inspection fees have been paid and all violations have been corrected. Once a residential rental unit has been inspected it shall be a violation of this article for a property owner or managing agent to rent such residential rental unit without paying the inspection fees and obtaining a certificate of compliance. If the inspection fees are paid by check or draft which is subsequently returned for insufficient funds or because there is no account or the account has been closed, the certificate of compliance shall be revoked and it shall be a violation of this article for a property owner or managing agent to continue to rent the residential rental unit without paying the inspection fees and obtaining a new certificate of compliance. (Ord. of 10-28-03, O-03-177, eff. 10-1-03; Ord. No. O-05-032, 3-8-05; Ord. No. O-08-007, 1-22-08)

Last updated date: 1/25/2008 3:11:22 PM

# **Sec. 11-211. Code Enforcement Fees.**

Sec. 11-211. Code enforcement fees.

No permit shall be issued until the required fees shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the dimensions or size of the building or structure, shall have been paid. The fees for building permits will be as determined by city council from time to time and a copy of the schedule of fees will be kept in the office of the inspections division of community planning and development and shall be available for review upon request. (Ord. of 10-28-03, O-03-177, eff. 10-1-03)

Last updated date: 10/23/2006 4:15:21 PM

# **Sec. 11-55. Emergency Repairs.**

Sec. 11-55. Emergency repairs.

The building maintenance official shall have the authority to make emergency repairs to existing structures as expeditiously as possible, and bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such unsafe structure. (Ord. of 10-28-03, O-03-177, eff. 10-1-03)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 13-4. Rates for Space.**

Sec. 13-4. Rates for space.

The rates to be charged for stores, stalls and benches in the city market shall be incorporated in the regulations of the city market and before coming effective shall be approved by the city council. (Code 1959, § 8-14)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 18-80. Fee for Passing Bad Checks.**

Sec. 18-80. Fee for passing bad checks.

Any individual, firm, association, partnership or corporation which shall utter, publish or pass any check or draft for payment of taxes or any other sums due the city, which is subsequently returned for insufficient funds or because there is no account or the account has been closed shall be required to pay in addition to the amount of the check or draft a penalty fee of twenty-five dollars (\$25.00) for each bad check or draft so uttered, published or passed. (Code 1959, § 12-54.1; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-86-054, § 1, 4-8-86, eff. 7-1-86; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-91-053, 3-26-91, eff. 7-1-91; Ord. No. O-98-188, 8-11-98)

Last updated date: 10/23/2006 4:15:21 PM

## Sec. 19-47.2. Fees.

Sec. 19-47.2. Fees.

<b>Index</b>	<b>Section 1 Fire Prevention Fees and Permit Requirements</b>	<b>Fee</b>
108.1.1	Carnival, circus, festival and fairs (30 day permit)	\$50
108.1.1	Explosives: Blasting, each site or location	\$50
108.1.1	Explosives: Storage indoors (1 year permit)	\$50
108.1.1	Flammable/Combustible Liquid Tank Removal (per tank)	\$50
108.1.1	LP-Gas Retail Cylinder Exchange Location	\$50
108.1.1	Open Burning: Recreational Bonfire (5 day permit)	\$50
108.1.1	Place of Assembly – Occupant Load 50 or Greater	\$50
108.1.1	Pyrotechnics & Fireworks: Retail Sale (45 day permit)	\$50
108.1.1	Pyrotechnics & Fireworks: Outdoor Display (1 day Permit)	\$50
108.1.1	Tents, Canopies & Air Supported Structures 700+ Square Feet ( 30 day permit)	\$50

(Ord. of 7-8-08, No. O-08-099)

Last updated date: 8/6/2008 3:37:43 PM

## Sec. 21.2-31. Disposal Fees.

### Sec. 21.2-31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) a prepaid trash bag displaying the official city logo, (ii) an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii) an approved container displaying a valid city decal, or (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag. Official City refuse tags, annual decals and prepaid trash bags shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of tags, decals or prepaid trash bags will be available for review at the city Collections Division or Public Works Department during regular business hours. Decals will be sold at the Collections Division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee and at such other locations as may be approved by the city manager or his designee.

(b) Tags for approved containers with a volume up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents (\$0.95) per tag. Tags for trash carts with a volume of sixty-four (64) gallons shall cost one dollar and ninety cents (\$1.90) per tag.

(c) Annual decals for once per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost forty dollars (\$40.00) each. Annual decals for once per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost eighty dollars (\$80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<b>Period</b>	<b>Percentage of Full Price</b>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ( $\frac{1}{2}$ ) of a month shall be counted as a full month and a period of less than one-half ( $\frac{1}{2}$ ) of a month shall not be counted.

(d) Prepaid trash bags with a volume up to thirty-two (32) gallons include the costs of disposal of waste material.

(e) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost eighty dollars (\$80.00) each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost one hundred sixty dollars (\$160.00). Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<b>Period</b>	<b>Percentage of Full Price</b>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(f) Prepaid plastic bags with a volume of up to thirty-two (32) gallons or for bundles not to exceed fifty pounds are acceptable containers for disposal.

(g) The owner or operator of any location designated to sell refuse tags, prepaid trash bags or annual decals shall be compensated for accounting and remitting the fee levied for the purchase of the tags or prepaid trash bags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such tags, prepaid trash bags or decals. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the tags, or prepaid trash bags provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of tags, prepaid trash bags and decals are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(h) Beginning October 1, 2012, the city manager or his designee shall have the authority to issue sixty four (64) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief, who own and occupy an existing dwelling as of July 1, 2012, pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens who live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal or refuse tags.

(i) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for tags or prepaid trash bags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(j) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(k) The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(l) The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee. (Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-95-016, 1-10-95; Ord. No. O-95-256, 9-12-95; Ord. No. O-97-201, 9-23-97, eff. 10-1-97; Ord. No. O-98-213, 9-22-98; Ord. No. O-99-044, 3-9-99; Ord. No. O-03-113, 6-10-03, eff. 7-1-03; Ord. No. O-05-163, 12-13-05, eff. 1-1-06; Ord. No. O-07-075, 5-8-07, eff. 7-1-07; Ord. No. O-12-098, 9-11-12)

Last updated date: 10/8/2012 9:22:55 AM

## **Sec. 21.2-6. Approved Waste Containers - Generally.**

Sec. 21.2-6. Approved waste containers—generally.

Approved waste containers for city collection shall be city provided waste carts thirty-two (32) gallons or sixty-four (64) gallons in capacity. No container shall be filled to the point of overflowing. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-03-113, 6-10-03, eff. 7-1-03)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 23.1-13. Itinerant Dealers in Precious Metals and Gems.**

Sec. 23.1-13. Itinerant dealers in precious metals and gems.

(a) The provisions of this chapter shall apply to itinerant dealers in precious metals and gems that do not maintain an established place of business within the city that is regularly open to the public. Because itinerant dealers in precious metals and gems do not have an established place of business within the city some of the provisions of this chapter may not be applicable to them. Therefore, the chief of police or his designee may modify or waive by written notice any of the provisions of this chapter that the chief of police or his designee do not believe can be reasonably applied to itinerant dealers in precious metals and gems; provided, the spirit and intent of this chapter are observed and the regulation of itinerant dealers in precious metals and gems is not compromised.

(b) No itinerant dealer in precious metals and gems shall do any business within the city until such itinerant dealer has applied to the commissioner of the revenue for a business license as required by section 36-126.6 of the city code and paid any business license taxes that may be assessed by the commissioner of the revenue. No permit to deal in precious metals and gems shall be issued by the police department without the itinerant dealer providing proof that he has obtained a business license from the commissioner of the revenue's office. (Ord. of 11-12-02, Ord. No. O-02-209; Ord. No. O-07-156, 11-27-07)

Last updated date: 12/5/2007 9:17:33 AM

## **Sec. 24.1-15. Fees.**

Sec. 24.1-15. Fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the plat, the subdivider shall deposit with the agent a check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by city council. (Ord. No. O-78-323, 11-14-78; Ord. No. O-88-097, § 1, 5-10-88, eff. 7-1-88; Ord. No. O-95-206, 7-11-95, eff. 9-1-95; Ord. No. O-95-253, 9-12-95; Ord. No. O-98-124, 6-9-98)

Last updated date: 6/28/2010 11:10:01 AM

## **Sec. 24-13. Rules and Regulations.**

Sec. 24-13. Rules and regulations.

The city manager shall have the right to prescribe reasonable rules, regulations and charges for the use, by the public, of the books, documents writings and other library property in and outside of the library quarters so that the public shall receive the largest use thereof and greatest benefit therefrom consistent with the proper protection and preservation of the library and the increase and expansion thereof. Such rules, regulations and charges shall be valid and binding unless and until otherwise directed by council who shall promptly be furnished with a copy of such rules, regulations and charges and amendments thereto. (Ord. No. O-89-185, § 1, 6-27-89)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 24-14. Library Fees.**

Sec. 24-14. Library fees.

The annual fee for obtaining a nonresident borrower's card shall be twenty-five dollars (\$25.00). (Ord. No. O-89-185, § 1, 6-27-89)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 24-15. Public Law Library Support and Maintenance Fees.**

Sec. 24-15. Public law library support and maintenance fees.

That beginning July 1, 1989, and continuing thereafter until changed by council, there is hereby assessed, pursuant to the provision of section 42.1-70 of the Code of Virginia (1950), as amended, the sum of four dollars (\$4.00) as part of the costs of each civil action filed in the circuit court and the general district court of the city of Lynchburg, Virginia, said assessment to be used for the support and maintenance of said law library which is open to the public.

That the assessments hereby levied shall be collected by the clerks of the respective courts in which the action is filed, and shall be remitted to the finance department and be held by said finance department subject to disbursements by council for the maintenance of said public law library. (Ord. of 3-14-89; Ord. No. O-12-137, 11-27-12)

Last updated date: 12/3/2012 8:52:14 AM

## **Sec. 25-169. Reimbursement of Expenses Incurred in Responding to DUI and Related Incidents.**

Sec. 25-169. Reimbursement of expenses incurred in responding to DUI and related incidents.

(a) Any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the city or to any responding volunteer rescue squad, or both, for restitution of reasonable expenses incurred by the city for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office, or by any volunteer rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation and shall also be liable for restitution of reasonable expenses incurred by the city when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office, or by any volunteer rescue squad, or by any combination of the foregoing:

(1) The provisions of Sections 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, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident which required the response of the police, fire or emergency services.

(2) The provisions of Article 7 (Section 46.2-852 et seq.) of Chapter 8 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to reckless driving, when such reckless driving is the proximate cause of the accident which required the response of the police, fire or emergency services.

(3) The provisions of Article 1 (Section 46.2-300 et seq.) of Chapter 3 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to driving without a license or driving with a suspended or revoked license, which required the response of the police, fire or emergency services.

(4) The provisions of Section 46.2-894, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to improperly leaving the scene of an accident which required the response of the police, fire or emergency services.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident. In determining the "reasonable expenses," the city or volunteer rescue squad may bill a flat fee of three hundred and fifty dollars (\$350.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes 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 city for responding law enforcement, fire-fighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the city or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle or other conduct as set forth herein. (Ord. No. O-02-017, 1-22-02; O-09-106, 9-22-09, eff. 11-1-09; Ord. No. O-11-102, 9-13-11)

Last updated date: 9/16/2011 10:12:54 AM

## **Sec. 25-247.1. Restricted or Prohibited Parking Areas.**

Sec. 25-247.1. Restricted or prohibited parking areas.

(a) The city council hereby finds that that the free circulation of traffic through the streets of the city is necessary to the health, safety and general welfare of the public; that over the years the revitalization of the city's central business district has increased the number of residents, customers and visitors in the central business district and has greatly increased the parking of motor vehicles of all kinds on the public streets in the central business district creating parking congestion on the streets in the central business district; and, that such parking congestion prevents the free circulation of traffic in and through the central business district. Therefore, it is the intention of city council to address parking issues in the central business district and to support the recent and planned growth and development in the central business district by providing for the orderly and efficient use of the available parking spaces. This ordinance is adopted pursuant to the authority granted to the city council by Section 46.2-1220 of the Code of Virginia, 1950, as amended.

(b) No person shall park any vehicle in any restricted or prohibited parking area within the central business district for a period of time in excess of the maximum time shown for the parking area as indicated on signs posted on the street where the parking area is located. The central business district is designated as that area of downtown from fifth street to the route 29 business expressway and from clay street to the riverfront.

(c) No person shall park a vehicle within the central business district for longer than the posted time limit on either side of the same street within the same block within an 8 hour period during the same day. For purposes of this section, a "block" is defined as that portion of both sides of the same street between two intersecting streets or what would be the continuation of two intersecting streets. However, parking for longer than the posted time limit in one block does not preclude parking an additional consecutive period of time on another block within the central business district.

(d) The provisions of this section shall apply between the hours designated by the city on all days, except Sundays or on the following holidays: New Year's Day, Martin Luther King Jr.'s birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10; Ord. No. O-11-134, 11-22-11)

Last updated date: 12/2/2011 1:20:35 PM

## **Sec. 25-247.2. Parking Pay Station.**

Sec. 25-247.2. Parking pay station.

(a) No person shall park any vehicle in a parking space for a period of time in excess of the maximum time shown on the parking pay station for the parking space or indicated on signs in the block where the parking pay stations are located, or for a time period in excess of the time limits posted on the street or in a city parking facility.

(b) Within a consecutive time period equal to the time limit posted, no person shall park a vehicle for longer than the posted time limit for the time zone or block.

(c) The provisions of this section shall apply between the hours designated by city council or the city manager on all days, except Sundays or on the following holidays: New Year's Day, Martin Luther King, Jr.'s birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day or as otherwise designated by city council or the city manager.

(d) In absence of other posted limits, parking pay stations shall be presumed to be in operation and require the deposit of the required parking fees between the hours of 7:00 a.m. and 5:00 p.m.

(e) No person shall deposit or cause to be deposited in a parking pay station any coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time.

(f) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking pay station or sign installed under this division. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:20 AM

## **Sec. 25-249. Penalty for Violation of Division.**

Sec. 25-249. Penalty for violation of division.

Unless otherwise provided, any person violating the provisions of this division relating to overtime parking shall be punished by a fine of twenty dollars (\$20.00) for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of thirty dollars (\$30.00) for each offense. (Code 1959, §20-151; Ord. of 9-27-77; Ord. No. O-95-070, 3-28-95, eff. 6-1-95; Ord. No. O-97-235, 11-25-97, eff. 1-1-98; O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/26/2010 2:03:12 PM

## **Sec. 25-250. Stopping on Highways - Generally.**

Sec. 25-250. Stopping on highways—Generally.

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street, alleyway or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

(b) Except upon one-way streets, and when actually loading or unloading merchandise as provided in Section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway. In no instance shall such vehicle be parked with the near wheels further than six (6) inches from the curb.

(c) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, not to exceed twenty-five dollars (\$25.00), of the owner of the vehicle if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.

(d) The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways. (Code 1959, § 20-134; Ord. No. O-88-014, § 1, 1-26-88; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:20 AM

## **Sec. 25-256. Parking Prohibited in Specified Places.**

Sec. 25-256. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or where authorized by a traffic-control device, including official signs or pavement markings, in any of the following places:

- (1) On a sidewalk or city trail;
- (2) In front of a public or private driveway so as to block ingress or egress;
- (3) Within an intersection or traveled way;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop or yield sign or traffic-control signal located at the side of a roadway;
- (8) Within fifty (50) feet of the nearest rail of a railroad grade crossing;
- (9) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (11) On the roadway side of any vehicle parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a street or highway or within a tunnel;
- (13) At any place where official signs and/or pavement markings prohibit parking;
- (14) Between the street curb, or the edge of the paved portion of the roadway when there is no street curb, and the adjacent sidewalk;
- (15) Between the street curb and the adjacent right-of-way line or sidewalk so as to cause the continual mounting and/or dismounting of the curbing.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so. (Code 1959, § 20-131; Ord. of 6-12-79; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:19 AM

## **Sec. 25-261. Parking Vehicles without State License on Highways.**

Sec. 25-261. Parking vehicles without state license on highways.

It shall be unlawful to park any vehicle having no current state license on any highway. (Code 1959, § 20-141)

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## **Sec. 25-265. Manner of Using Loading Zones.**

Sec. 25-265. Manner of using loading zones.

Where a loading and unloading zone has been set apart by the city manager or his designee in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect.
- (b) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. (Code 1959, § 20-144; Ord. No. O-88-232, 9-13-88; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

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## **Sec. 25-298. Permit Fees.**

Sec. 25-298. Permit fees.

A fee of fifteen dollars (\$15.00) shall be charged each resident for the issuance of one (1) parking permit, and a fee of fifteen dollars (\$15.00) shall be charged each resident for each additional or replacement permit, such fee to be used by the city to defray the cost of the administration and enforcement of the provisions of this division. (Code 1959, § 20-142.2(b); Ord. of 3-13-79; Ord. No. O-80-024, § 1(20-142.2(b)), 1-22-80; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

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## **Sec. 25-304. Permit Parking in Certain Designated Areas of Church and Court Streets.**

Sec. 25-304. Permit parking in certain designated areas of church and court streets.

(a) In order to protect the residents of certain designated areas of Church and Court streets that do not have off street parking from unreasonable burdens in gaining access to their residence and in order to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitation of the city, the city finds that it is necessary to establish a system of permit parking for residents of business districts.

(b) For purposes of this section the term "resident" shall be deemed to mean a person that resides and maintains a place of abode within a business district and does not have off street parking for their vehicle.

(c) A resident in a business district that does not have off street parking for their vehicle may apply to the billings and collections division for a parking permit to park their vehicle in the public streets adjoining their residence in the business district in which they live without regard to the normal restrictions on the length of parking time. Two (2) permit(s) shall be issued for each residential lot.

(d) The parking permit shall be displayed from the rear view mirror of the vehicle in such a manner that it may be viewed from the front and rear of the vehicle. When there is no rear view mirror the permit shall be displayed on the vehicle dashboard. The permit shall not be displayed from the rear view mirror while the vehicle is in motion. If the permit is not properly displayed the normal restrictions on the length of permitted parking time shall apply.

(e) A fee of fifteen dollars (\$15.00) shall be charged for each permit issued or each replacement permit. The fees will be used by the city to defray the cost of the Administration and enforcement of the provisions of this section.

(f) Permits issued under this section are valid only on the vehicle for which they are issued and shall be valid for a period of one (1) year.

(g) The person shall not transfer or allow another person to use or possess any parking permit issued to them or continue to use a permit after its termination or expiration or give false information upon application for the permit. Nor shall any person use a permit to park upon the public streets in any business district except for the public streets adjoining their residence.

(h) Any person violating any of the provisions of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250.00). In addition the parking permit of such person shall be terminated by the billings and collections division. (Ord. No. O-96-125, 5-14-96; Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

Last updated date: 1/4/2010 7:54:18 AM

## **Sec. 25-305. Permit Parking in the Central Business District (CBD).**

Sec. 25-305. Permit parking in the central business district (CBD).

(a) In order to protect residents of the central business districts who do not have off-street parking from unreasonable burdens in gaining access to their residences and in order to promote traffic safety and the peace, good order, comfort, convenience and welfare of the inhabitation of the city, the city finds that it is necessary to establish a system of permit parking for residents of the central business district.

(b) Residents who live in the central business district (CBD—designated as that area of downtown from Fifth Street to the Rt 29 Business Expressway and from Clay Street to the riverfront) or residential property owners may apply for a CBD residential parking permit. The permit will allow residents to park in an assigned city off street parking facility closest to their residence twenty-four hours (24) per day, seven (7) days per week. Approval will be based on parking spaces availability. The cost for the first permit shall be twenty-five dollars (\$25.00) per month. Each additional permit shall cost fifty dollars (\$50.00) per month. Proof of residence is required and maybe satisfied by a copy of a current lease/mortgage document reflecting the residential address, a valid Virginia driver's license reflecting the residential address or current vehicle registration.

(c) A resident shall not transfer or allow another person to use or possess any parking permit issued to them or continue to use a permit after its termination or expiration or give false information upon application for the permit. Nor shall any person use a permit to park upon the public streets in the central business district.

(d) Permits issued under this section are valid only on the vehicle for which they are issued and shall be valid for a period of one (1) year.

(e) Any person violating any of the provisions of this section shall be punished by a fine of not more that two hundred fifty dollars (\$250.00). In addition the parking permit of such person shall be terminated by the billings and collections division. (Ord. No. O-09-123, 10-13-09, eff. 1-1-10)

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## **Sec. 25-310. Parking in Spaces Reserved for persons with Disabilities; Penalty.**

Sec. 25-310. Parking in spaces reserved for persons with disabilities; penalty.

(a) No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under §46.2-1241 of the state code, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code, shall park in any parking spaces reserved for persons with disabilities.

(1) No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

(2) A summons or parking ticket for the offense may be issued by law-enforcement officers or duly designated city employees without the necessity of a warrant being obtained by the owner of any private parking area.

(3) Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(b) No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date. A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(c) Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion. A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(d) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(e) 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 §36-99.11 of the state code, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk. (Ord. No. O-97-236, 11-25-97; Ord. No. O-11-090, 7-12-11)

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## **Sec. 26-28.6. Enforcement.**

### Sec. 26-28.6. Enforcement.

(a) Citizens may contact the department of community planning and development, which shall be responsible for enforcing the provisions of this article. The director of the department of community planning and development shall have the authority to delegate duties and powers to other appropriate agencies and individuals to assist the department of community planning and development in the enforcement of this article. Whenever the words "director of community planning and development" are used in this article, they shall include all the agencies or individuals to which the director of community planning and development delegates enforcement powers, except where the contexts clearly indicates a different meaning.

(b) The department of community planning and development shall have the authority, whenever deemed appropriate, to have such weeds on property or on such portions of the property as deemed appropriate cut and/or removed and to restrict their future growth by the city's agents or employees, in which event, the costs and expenses thereof, shall be chargeable to and paid by the owner or owners of such property and may be collected by the city in the same manner as taxes and levies are collected and all unpaid costs and expenses shall constitute a lien against such property.

Any owner may avoid any liability to the city provided abatement is completed prior to the initiation of the abatement process by the city's designated agent. (Ord. No. O-94-113, 5-24-94, eff. 6-1-94)

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## **Sec. 26-7. Abatement by City.**

Sec. 26-7. Abatement by city.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter or who was so ordered by a hearing officer to abate the same, the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. In order to abate a nuisance, the city may revoke any permit or license issued by the city to the owner of the offending property and which is required by law to conduct the business or activity which gives rise to the nuisance. If the nuisance is not subject to abatement by the city, or if otherwise appropriate, the designated officer shall cause criminal proceedings to be instituted against the person or persons causing or permitting the continuation of the nuisance.

When, in the opinion of the designated officer, a nuisance results in a condition that creates an immediate, serious and imminent threat to the health or safety of the public, the official may have the necessary work done to abate the nuisance whether or not notice to require the owner or occupant of the premises to abate the nuisance has been given. (Code 1959, § 22-17; Ord. No. O-93-260, 9-28-93)

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## **Sec. 27-106. Alarm User's Permits Required.**

Sec. 27-106. Alarm user's permits required.

(a) Every alarm user shall obtain an alarm user's permit from the City of Lynchburg, department of emergency services for each alarm system. No alarm system located within the city shall be activated without the alarm user having first obtained an alarm user permit as described within this subsection. Such a permit shall be obtained from the City of Lynchburg within one hundred twenty (120) days from the effective date of this article or prior to the use of an alarm system which is installed subsequent to the expiration of one hundred twenty (120) days from the effective date of this article.

(1) The alarm user shall purchase an annual alarm user's permit for each alarm system within the corporate limits of the City of Lynchburg, which is intended and/or designed, when activated, to generate a response from one or more municipal public safety agencies. Effective on July 1, 1996, and for each year thereafter, unless otherwise changed by city council, the annual fee for the alarm permit shall be paid by the "alarm user" and imposed as follows:

- a. Business/industry alarm systems: fifty-five dollars (\$55);
- b. Small business, non-profit and governmental agencies alarm system: forty-five dollars (\$45);
- c. Residential alarm system: thirty dollars (\$30); and
- d. The city retains the right to pro-rate permits that are obtained after July 1st of each year.

NOTE: An "audible alarm" system unconnected to a central station may require a user permit for one (1) year should the alarm generate more than four (4) false alarm responses in a single permit year from any public safety agency. All user permit requirements for audible alarm systems may be appealed to the false alarm appeal's committee.

(2) The application for an alarm user's permit shall be made on an alarm permit application form which is available from the department of emergency services, alarm coordinator and on-line at [lynchburgva.gov](http://lynchburgva.gov). Payment of the permit fee for each alarm system shall accompany the application to the city collections division.

(3) Every person applying for more than one alarm permit at one location shall pay the alarm user's permit fee for each permit up to five (5) permits. Regardless of the number of permits, the total fee shall not exceed five times the single permit fee for any one location.

(4) The initial alarm permit may be obtained at any time; however, all alarm permits expire on June 30th with renewal due between May 15th and June 30th of each year following the issuance of the permit. Permits are not transferable from one user to another user, or from one address to another address and no permit refunds will be issued for disconnecting alarm service during an alarm year. It shall be the duty of the alarm user to maintain current permit information.

(b) No alarm system receivers shall be installed at the Lynchburg department of emergency services, emergency communications center.

(c) An alarm user whose permits has been revoked may apply for a reissued alarm permit in accordance with the fee schedule in Section 27-108 (j). (Ord. No. O-91-276, 11-12-91, eff. 1-1-92; Ord. No. O-93-112, 4-27-93; Ord. No. O-96-140, 5-28-96; Ord. No. O-00-009, 01-11-00, eff. 01-01-00; Ord. No. O-11-068, 5-24-11)

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## **Sec. 27-108. False Alarms; Penalty Assessments and Permit Revocation.**

Sec. 27-108. False alarms; penalty assessments and permit revocation.

(a) Any alarm system which has more than two (2) false alarms within a permit year and/or has had their permit revoked and continues to have false alarms, shall be subject to service assessments as hereinafter provided and any alarm system which has ten (10) or more false alarms within a permit year shall be subject to permit revocation as hereinafter provided. NOTE: Sec. 27-108 shall not apply to newly (first time/original alarm systems) installed/activated alarm systems for the first thirty (30) days of operation.

(b) Notice of service assessment: Notice from the city to any permit holder shall be deemed to have been given on the date such notice is deposited in the U.S. mail, first class postage, prepaid, and addressed to the permit holder at the address shown in the city's permit records or delivered by personal service to the premises. Failure to mail notice to an alarm business shall not impair or invalidate any notice furnished to the alarm user. The notice of service assessment shall contain at least the following information:

(1) The amount of the assessed fee and number of false alarms during the permit year.

(2) The dates and times that emergency personnel responded to each alarm.

(3) The fact that the service assessment must be paid within thirty (30) days following the date of the notice.

(4) The notice of intent to revoke the permit after ten (10) false alarms during the permit year.

(5) The right of appeal to the false alarm appeal's committee of which the department of emergency services director is chairman.

(c) If the City of Lynchburg records more than two (2) false alarms within a permit year for any alarm system, the city shall notify the alarm user of such fact and direct that the user pay to the city a service assessment in the sum of fifty dollars (\$50.00) for the 3rd false alarm recorded, fifty dollars (\$50.00) for the 4th, fifty dollars (\$50.00) for the 5th, seventy-five dollars (\$75.00) for the 6th, one hundred dollars (\$100.00) for the 7th, one hundred twenty-five dollars (\$125.00) for the 8th, one hundred fifty (\$150.00) for the 9th, one hundred seventy-five (\$175.00) for the 10th, and two hundred dollars (\$200.00) for the 11th and all successive false alarms. After the sixth (6th) false alarm in one (1) permit year the alarm user may be requested to submit a report to the department of emergency services, alarm coordinator, describing the actions taken or to be taken to discover and eliminate the cause of the false alarms. A copy of such notification shall be sent to the alarm business providing service or inspection to the user.

(d) If the alarm user submits a report as requested, the alarm coordinator shall determine if the actions taken or to be taken will prevent the reoccurrence of false alarms. The city shall notify the alarm user and the relevant alarm business in writing whether the permit will be revoked at that time. If the alarm permit is not to be revoked, then notification will be provided that if any subsequent false alarms occur within the permit year, the permit may be revoked without further notice on the tenth (10th) day after the date of the notice of revocation.

(e) If no report is submitted as requested, or if the city determines that the actions taken or to be taken by the alarm user will not prevent the reoccurrence of false alarms, the city shall give notice to the alarm user and alarm business providing service that the permit will be revoked effective on the tenth (10th) day after the date of the notice of revocation.

(f) If the alarm user fails to pay a service assessment within the time provided after receipt of notification from the city as provided with this section, the city may summarily revoke the alarm user's permit through notification to the alarm user and to the alarm business providing service to the user, which notification shall be effective on the tenth (10th) day following the date of said notice of revocation.

(g) An alarm user whose permit has been revoked shall be furnished notification of such revocation and shall within three (3) days after the date of said notice of revocation discontinue the use of the alarm system. It shall be unlawful for any alarm user to fail to disconnect such system within three (3) days as herein defined and such failure shall subject the alarm user to the penalties hereinafter provided.

(h) For purposes of any notification to be provided under the terms of this article, such notice shall be effective if the same is mailed addressed to the alarm user at the address furnished to the city in connection with a permit application or at such other address as the alarm user may furnish in writing to the city and such notice shall be effective if mailed to the alarm business at the address provided to the city in connection with the filing of alarm user instructions, or alternatively, to the last known address of said alarm business.

(i) After permit revocation, the alarm user shall take steps to alleviate the false alarm problem. Alarm permits which have been revoked may be reinstated after a report is submitted describing corrective actions taken along with an alarm user application form as described in Section 1-5 (A) and payment of a reissued users alarm permit fee.

First reissued users permit in original one-year period \$ 50

Second reissued users permit in original one-year period \$100

Third reissued users permit in original one-year period \$150

Fourth and each reissued users permit in original one-year period \$200

(Ord. No. O-91-276, 11-12-91, eff. 1-1-92; Ord. No. O-00-009, 01-11-00, eff. 01-01-00; Ord. No. O-11-068, 5-24-11)

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## Sec. 28-40. City Stadium Fees.

Sec. 28-40. City stadium fees.

(a) For the use of the football field, ten (10) per cent of the gross gate receipts, with a minimum fee of one hundred sixty dollars (\$160.00), plus the following fees:

(1) Preparation of field, including marking and mowing, one hundred eighty dollars (\$180.00).

(2) Preparation of equipment:

Scoreboard \$ 25.00

Field phones 5.00

Public address system 40.00

(3) Game service—two (2) city employees will be furnished without cost—for each additional employee, a fee of fifty dollars (\$50.00).

(4) For cleaning the premises:

Locker rooms \$ 50.00

Grounds and stands 260.00

There will be no additional fee for cleaning restrooms.

(5) For preparation of lights and furnishing of electricity, forty-five dollars (\$45.00).

(b) For the use of the baseball field, ten (10) per cent of the gross gate receipts, with a minimum fee of one hundred sixty dollars (\$160.00), plus the following fees:

(1) For preparation of equipment:

Scoreboard \$ 10.00

Public address system 10.00

(2) Game service—one (1) city employee will be furnished at no additional cost—for each additional employee, ten dollars (\$10.00).

(3) For cleaning the premises:

Locker rooms \$ 50.00

Grounds and stands 100.00

There will be no additional fee for cleaning restrooms.

(4) Preparation of lights and furnishing equipment, twenty-five dollars (\$25.00).

(c) The fees charged the public schools will be fifty (50) per cent of the above required fees. (Ord. No. O-88-062, § 2, 3-22-88, eff. 7-1-88)

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## **Sec. 29-28. Issuance.**

Sec. 29-28. Issuance.

If, as a result of investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and shall deliver the permit to the applicant. As a requisite to obtaining such permit, the applicant shall be required to pay a fee of fifteen dollars (\$15.00) at the time of filing his application, to cover the cost of processing such application, which fee shall not be refundable. (Ord No. O-81-106, § 1, 5-26-81; Ord. No. O-82-215, § 1, 10-12-82; Ord. No. O-91-053, 3-26-91, eff. 7-1-91)

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## **Sec. 35.1-14. Site Plan Review.**

Sec. 35.1-14. Site plan review.

(a) Intent. Site plan review is intended to ensure proper design in types of development which can have deleterious effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

(b) Developments subject to site plan review. The following types of development shall be subject to the site plan review provisions of this ordinance, including petitions for a rezoning request or for a conditional use permit request:

- (1) All commercial and industrial facilities, including off-street parking;
- (2) All institutional facilities, such as schools, hospitals and clubs;
- (3) All residential developments, involving more than two (2) dwelling units in one (1) building or on one (1) lot;
- (4) Planned unit developments (see Section 35.1-42.1 et seq.);
- (5) Conditional use permits (as specified in this ordinance).

(c) Site plan procedures and review:

(1) Definitions:

a. Schematic site plan. Plan to accompany all rezoning petitions with the exception of CCD and PUD requests.

b. Preliminary site plan. Plan to accompany CCD requests; however, final CCD rezoning approval will be contingent upon approval of a final site plan.

c. Final site plan. Plan required for final CCD rezoning approval and/or issuance of a building permit.

(d) Plan requirements: The planning division will require an appropriate number of clearly legible copies for each of the following applicable site plans.

(1) The schematic site plan shall include the following:

- a. Name and address of petitioner and owner;
- b. Name and location of development;
- c. Property lines by metes and bounds;
- d. Existing and proposed zoning;
- e. Type of proposed zoning;
- f. Owner, present use and existing zoning of all abutting property;
- g. Existing and proposed streets, easements, rights-of-way and other reservations;
- h. Ingress and egress points;

- i. Proposed parking areas, materials for same and number of spaces;
- j. Existing and proposed buildings;
- k. Date, scale of not less than one (1) inch equals one hundred (100) feet, and north point;
- l. Limits of established one hundred (100) year floodplain;
- m. Major natural features;
- n. Required setbacks and areas for landscaping and buffering;
- o. Location of existing water, storm and sanitary sewer lines.

(2) The preliminary site plan shall include for review by the appropriate city department, in addition to the items specified for a schematic site plan, the following:

- a. Existing and proposed topography;
- b. Location of proposed water mains, fire hydrants, pipe sizes, grades and direction of flow;
- c. Generalized erosion control measures;
- d. Location of proposed utility lines, indicating where they already exist and whether they will be underground;
- e. Location of proposed storm and sanitary sewer systems, both surface and subsurface, showing pipe sizes, grade flow and design loads;
- f. Vicinity map at a scale no smaller than one (1) inch equals six hundred (600) feet, showing all streets and property within one thousand (1,000) feet of the subject property;
- g. Existing and proposed curb lines and sidewalks;
- h. Location of proposed signs;
- i. Proposed location and materials for disposal of refuse and other solid waste;
- j. Recreation and/or open spaces;
- k. Name and address of person(s) preparing the site plan;
- l. Proposed buildings and structures to include:
  - 1. Distance between buildings;
  - 2. Number of stories;
  - 3. Area in square feet of each floor;
  - 4. Number of dwelling units or guestrooms;
  - 5. Structures above height regulations.
- m. Proposed location of outdoor lighting.

n. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required.

(3) The site plan shall be accompanied by a check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by city council.

(4) The final site plan shall include, in addition to the items specified for a preliminary site plan, the following:

a. Name and address of owners of record of all adjacent properties;

b. Current zoning boundaries, including surrounding areas to a distance of three hundred (300) feet;

c. Final erosion and sediment control plans;

d. Location of watercourses, marshes, rock outcroppings, wooded areas and single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;

e. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet, indicating whether existing buildings on the tract are to be retained, modified or removed;

f. Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right-of-way lines). profiles and cross-sections of streets;

g. Layout of off-street parking;

h. Proposed location, direction of, power and time of use of outdoor lighting (not required of industrial development);

i. Landscaping plan as required by Section 35.1-25.1.5, Landscaping plan required;

j. Location, size and design of proposed signs;

k. Elevations of buildings to be built or altered on site.

(e) Administrative responsibility.

(1) The city planner shall be responsible for checking the site plans for general completeness and compliance with adopted plans or such administrative requirements as may be established prior to routing copies thereof to the technical review committee. He shall see that all examination and review of the site plans are completed by the approving authorities.

(2) The city planner shall approve or disapprove the site plans in accordance with the technical review committee's recommendations. He shall then return two (2) copies of the site plan, together with modifications, noting thereon any changes that will be required, to the applicant not later than thirty (30) days from the date of submission, except under abnormal circumstances.

(f) Adjustment in approved site plan. After a site plan has been approved by the city planner, minor adjustments of the site plan, which comply with the spirit of this article and other provisions of this chapter with the intent of the technical review committee in their approval of site plans and with the general purpose of the comprehensive plan for development of the area, may be approved by the city planner with concurrence of the technical review committee. Minor adjustment from an approved site plan without the city planner's approval, or any major deviations, shall require the applicant to resubmit a new site plan for consideration.

(g) Waiver. Any requirement of this section may be waived by the planning commission and/or its designee in a specific case where such requirement is found to be unreasonable or unnecessary for review of the proposal and where such waiver will not be adverse to the purpose of this section.

(h) Building and occupancy permits. No building permit shall be issued for a building in an area in which site plan review is required unless the construction proposed by such building permit is in conformance with the approved site plan. No occupancy permit shall be issued in such an area for a use which is not in conformance with the approved site plan.

(i) Appeal. An appeal of any decision made by the city administration concerning site plan review procedure may be made to the planning commission. (Ord. No. O-78-352, 12-12-78; Ord. No. O-84-140, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-098, § 1, 5-10-88, eff. 7-1-88; Ord. No. O-97-063, 4-22-97; Ord. No. O-98-124, 6-9-98; Ord. No. O-06-070, 6-13-06)

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## Sec. 35.1-19. Public Hearings.

### Sec. 35.1-19. Public hearings.

(a) Where required. A public hearing before the city council, the board of zoning appeals, the historic preservation commission, or the planning commission shall be held as specified in this section before approval of:

- (1) A variance;
- (2) A conditional use permit;
- (3) An amendment to the ordinance, the official zoning map, or the comprehensive plan;
- (4) Establishment or amendment of criteria for determination of landmarks, buildings or structures as being architecturally, culturally or historically noteworthy.

Except as specifically authorized by the planning commission or city council, rezoning and conditional use permit petitions will be considered incomplete and will not be scheduled to be heard by the planning commission or city council until all necessary variances have been obtained from the board of zoning appeals.

(b) Notice. Before any hearing required by this ordinance shall be held, a notice of such hearing shall have been published at least once per week for two (2) successive weeks in some newspaper having general circulation in the City of Lynchburg. The term "two (2) successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six (6) days elapsing between the first and second publication. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views not less than six (6) nor more than twenty-one (21) days after the second advertisement shall appear in such newspaper. Such notice shall also contain reference to where copies of the proposed plans or amendments may be examined.

If these regulations specify or permit hearing by the historic preservation commission, planning commission or board of zoning appeals and the city council, both hearings may be held concurrently. If such a joint hearing is held, public notice as specified above need be given only by the city council or whichever would be the last body to hear the matter.

(1) Zoning amendment. When a proposed amendment of the zoning ordinances involves a change in the zoning classification of twenty-five (25) or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the planning commission not less than ten (10) days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and of all property within two hundred (200) feet of the affected property, including such properties which lie in an adjoining county. Notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. Cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case.

Posting of a sign giving notice of intent to rezone will be required. If the hearing is continued, notice shall be remailed. Cost of any notice required under this section shall be taxed to the applicant.

(2) Conditional use permits requiring city council action. The following shall apply for each conditional use permit petition requiring city council action:

a. Sign. At the time a petition is filed with the division of planning, a sign shall be posted on the property by the applicant notifying interested persons that a conditional use permit application has been filed; said sign shall be located within one (1) foot of the right-of-way of a public street or road upon which said property or proposed use

fronts. The sign shall be placed on the property at five hundred (500) foot intervals. The city planner may reduce the required number of signs or approve the relocation of signs in those cases for which the petitioner can present sufficient justification to warrant a deviation, provided the spirit and intent of the notice requirements are observed. Grounds for deviation of the requirements may include such items as a parcel of unusual size or shape, a peculiar location, severe topography, or other extraordinary situation or condition of the property that would make the strict application of these requirements unnecessary or impractical. The justification shall document that a reduction in the number or relocation of signs would not reduce the effectiveness of the public notice. If the property in question has a five hundred (500) foot or less frontage, one (1) sign shall suffice. Where property does not front on an existing right-of-way, the sign shall be placed within the right-of-way of the nearest street or road. The sign shall read as follows:

<p><b>NOTICE</b> <b>PETITION FOR A CONDITIONAL USE PERMIT</b></p> <p>Name of Applicant or Owner: Telephone No:</p> <p>48"      Address of Property:</p> <p>Present Zoning: Proposed Use of Property:</p> <p>Additional Information: Call Planning Division, Department of Community Planning and Development at 455-3900.</p> <p style="text-align: center;">72"</p>
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Said sign shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size and the lettering thereon shall be black letters on a white background and shall be at least three (3) inches in height. The applicant shall notify the division of planning in writing that the sign has been erected and where located.

The sign shall contain no additional advertisement or words other than that which is specified herein. Said sign shall remain posted until final action has been taken by city council, or the petition has been withdrawn, the sign shall be removed within ten (10) calendar days by the petitioner at his expense. If any sign remains posted longer than this ten (10) day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in Section 35.1-20 of this ordinance.

b. Written notice. A written notice shall be given in addition to the advertising required in paragraph (b) of this section by the planning commission not less than ten (10) days before the hearing to property owners within two hundred (200) feet of the subject property informing them of the public hearing and the purpose of the request. Such notice shall be by first class mail to the last known address of such owner as shown on the current real estate tax assessment books. Cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The city planner or his designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed. Cost of any notice required under this section shall be taxed to the applicant.

c. Presence required. The petitioner or his representative shall be present at both the planning commission and the city council meetings at which the conditional use permit petition is to be considered.

(3) Conditional use permits and variances requiring action by the board of zoning appeals. The following shall apply for each conditional use permit petition or variance petition requiring board of zoning appeals action:

a. Sign. At the time a petition for a conditional use permit requiring board of zoning appeal action or a variance is filed with the neighborhood services division, but not less than twenty-one (21) days prior to the scheduled meeting of the board of zoning appeals, a sign shall be posted on the property by the applicant notifying interested persons that a conditional use permit or variance application has been filed; said sign shall be located within one (1) foot of the right-of-way of a public street or road upon which said property or proposed use fronts. The sign shall be placed on the property at five hundred (500) foot intervals, or at the discretion of the zoning administrator. If the property has a five hundred (500) foot or less frontage, one (1) sign shall suffice. Where property does not front on an existing right-of-way, the sign shall be placed within the right-of-way of the nearest street or road. A sign shall not be required for variances for one and two-family dwellings. The sign shall read as follows:

<p>NOTICE</p> <p>PETITION TO THE BOARD OF ZONING APPEALS FOR A CONDITIONAL USE PERMIT OR VARIANCE</p> <p>Name of Applicant or Owner: Telephone No: Address of Property:</p> <p>Present Zoning:</p> <p>Proposed Use of Property:</p> <p>Additional Information: Call Neighborhood Services Division, Department of Community Planning and Development at 455-3900.</p> <p>72"</p>	48"
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Said sign shall be of wood or metal, at least forty-eight (48) inches by seventy-two (72) inches in size and the lettering thereon shall be black letters on a white background and shall be at least three (3) inches in height. The applicant shall provide the neighborhood services division two (2) photographs of the sign(s) as located on the subject property. To assure proper notice has been provided, the required photographs must be submitted not less than twenty-one (21) days prior to the scheduled meeting of the board of zoning appeals.

The sign shall contain no additional advertisement or words other than that which is specified herein. Said sign shall remain posted until final action has been taken by the board of zoning appeals, or the petition has been withdrawn, at which time the sign shall be removed within ten (10) calendar days by the petitioner at his expense. If any sign remains posted longer than this ten (10) day period, the petitioner shall be deemed in violation of this ordinance and subject to the penalties as set forth in Section 35.1-20 of this ordinance.

b. Written notice. A written notice shall be given, in addition to the advertising required in paragraph (b) of this section, by the board of zoning appeals not less than ten (10) days before the hearing to property owners within two hundred (200) feet of the subject property informing them of the public hearing and the purpose of the request for a conditional use permit. If a conditional use permit and a variance are on the same petition, the notification process shall be the same as that listed for a conditional use permit. Such notice shall be by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books. The cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The board of zoning appeals or its designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed at the expense of the applicant.

c. Presence required. The petitioner or his representative shall be present at the board of zoning appeals meeting at which the conditional use permit is to be considered.

(4) Variances. The following shall apply for each variance petition requiring board of zoning appeals action:

a. Written notice. A written notice shall be given, in addition to the advertising required in paragraph (b) of this section, by the board of zoning appeals not less than ten (10) days before the hearing to property owners who are adjacent to the subject property for a variance request informing them of the public hearing and the purpose of the request. If a conditional use permit and a variance are on the same petition, the notification process shall be the same as that listed for a conditional use permit. Such notice shall be by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books. The cost of any notice required under this section shall be taxed to the applicant, unless waived by the city, at the standard postal rate as determined by the United States Postal Service for each written notice. The board of zoning appeals or its designee shall make written affidavit that the required notifications have been mailed and shall file such affidavit with the papers of the case. If the hearing is continued, notice shall be remailed at the expense of the applicant.

b. Presence required. The petitioner or his representative shall be present at the board of zoning appeals meeting at which the variance is to be considered.

(c) Rules of procedure in hearings. Any person affected by the proposed action which is the subject of the hearing may make a statement concerning it. The city council, the board of zoning appeals, the historic preservation commission and the planning commission shall make other rules as they deem appropriate for the conduct of public hearings. Such rules may cover such subjects as rules of order, time limits on statements, previous notice of intention to speak and other matters.

(d) Records. A record shall be kept of all public hearings required by this section. (Ord. No. O-82-079, § 1, 5-11-82; Ord. No. O-88-009, § 1, 1-12-88; Ord. No. O-93-122, 5-11-93; Ord. No. O-00-023, 2-8-00; Ord. No. O-00-125, 6-13-00; Ord. No. O-02-226, 12-10-02)

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## **Sec. 35.1-42.2. General Requirements for Planned Unit Developments.**

### Sec. 35.1-42.2. General Requirements for Planned Unit Developments.

(a) **Minimum Area.** Generally, the minimum area required to qualify for a Planned Unit Development shall be five (5) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, the City Council, upon recommendation of the Planning Commission, may consider projects with less acreage.

(b) **Ownership.** The tract of land for a project may be owned, leased, controlled or under option by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in the project or by the property owner's authorized agent with the power of attorney to sign the petition. In case of multiple ownership, the approved plan shall be binding on all owners.

(c) **Location of Planned Unit Developments.** A Planned Unit Development may be established by a conditional use permit in any residential or business district of the City where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article and is consistent with the General Plan of the City of Lynchburg.

(d) **Management and Ownership of Common Open Space Property and Facilities in Planned Unit Developments.** All common open space properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of a homeowner's association of all individuals or corporations owning property within the Planned Unit Development to ensure the maintenance of all common open space properties and facilities. The homeowner's association shall be established pursuant to Section 35.1-56C. of the Code.

(e) **Fee Schedule for Planned Unit Development Approval.** The following fees shall apply for the examination and approval or disapproval of every Planned Unit Development reviewed by the City of Lynchburg:

Sketch Plan Approval—\$100

Preliminary Site Plan Approval—\$75

Final Site Plan Approval—\$25

Erosion Sediment Control Plan Approval - See Erosion Sediment Control Ordinance

Subdivision Plat Approval - See Subdivision Ordinance (Ord. No. O-83-154, § 1, 7-12-83)

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## **Sec. 35.1-42.8. Other Regulations Applicable to Planned Unit Developments.**

Sec. 35.1-42.8. Other regulations applicable to planned unit developments.

(a) [Chances after initial construction and occupancy.] For the purposes of regulating, developing, and using property after initial construction and occupancy, any changes including setbacks and use shall be processed as a conditional use permit pursuant to the following procedures:

(1) Application for a conditional use permit for a change in the existing Planned Unit Development shall be completed and submitted to the Planning Division.

(2) The City Planner shall review the materials submitted and notify the applicant when the application is complete. Upon determination that the application is complete, the City Planner shall set a date for a public hearing by the Planning Commission for the purpose of considering a conditional use permit for a change in an existing Planned Unit Development in accordance with the procedures established for amendments to the Zoning Ordinance and the Official Zoning Map in Section 35.1-17B. including the sections on a sign and notice to the surrounding property owners.

(3) The Planning Commission shall consider the application and shall render either a favorable decision with modifications or an unfavorable decision. The Planning Commission shall clearly state the reasons for its decision.

It shall be noted, however, that properties lying in Planned Unit Developments are unique and shall be so considered by the Planning Commission when evaluating these requests; and maintenance of the intent and the function of the Planned Unit Development shall be of primary importance.

(b) Appeals:

(1) Appeals to the Planning Commission. An appeal may be taken to the Planning Commission by the property owner, developer, or representatives affected by any decision of the City Planner and/or Technical Review Committee during the preliminary and final site plan approval process. Such appeal shall be taken within twenty (20) calendar days after a decision of the City Planner and/or Technical Review Committee by filing a notice of appeal specifying the grounds therefor with the Secretary of the Planning Commission. The City Planner shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from.

The City Planner shall schedule a public hearing at the next regularly scheduled Planning Commission meeting on the application of appeal, give public notice thereof, as well as due notice to the parties in interest. The Planning Commission shall make a decision on the application for appeal within thirty (30) days of the hearing.

In exercising its powers, the Planning Commission may reverse or affirm, wholly or partly, or may modify a requirement, decision or determination appealed from. The concurring vote of four (4) members shall be necessary to reverse any decision of the City Planner and/or Technical Review Committee pertaining to the approval of the preliminary and/or final site plans in favor of the applicant. The Planning Commission shall keep minutes of its proceedings which shall be filed in the Office of the Planning Division, and the minutes shall be of public record.

(2) Appeals from Actions of the Planning Commission. Any person or persons jointly or individually aggrieved by a decision of the Planning Commission pertaining to a Planned Unit Development or any officer or department of the City of Lynchburg may present to City Council a petition specifying the grounds on which aggrieved within fifteen (15) calendar days after the filing of the decision in the Office of the Planning Division.

In exercising its powers, City Council may reverse or affirm, wholly or partly, or may modify a requirement, decision, or determination of the Planning Commission. The concurring vote of four (4) members shall be necessary to reverse any decision of the Planning Commission pertaining to a Planned Unit Development.

(3) Fees. In order to cover costs incurred by the City of Lynchburg incidental to reviewing, publishing and reporting facts concerning appeals on Planned Unit Developments, a fee of one hundred dollars (\$100.00) shall be paid to the City Collector for each appeal made.

(c) Lapse of Conditional Use Permit for Planned Unit Developments. If a building permit for construction of a Planned Unit Development authorized by a conditional use permit granted under these regulations has not been applied for and so granted within thirty-six (36) months of the granting of such conditional use permit, the conditional use permit shall become void unless the following appeal procedures are followed and approval obtained. Prior to the aforesaid thirty-six month expiration, a six month extension may be applied for through the Lynchburg Planning Commission. A second and final twelve-month extension may be requested from City Council prior to the expiration of the six-month Planning Commission extension. After the initial building permit has been issued for construction and construction has commenced, the conditional use permit in connection with the stages (phases) of the Planned Unit Development as shown on the approved site plan shall not lapse or expire even though construction may not have commenced within the specified time period for the later stages (phases) of the development.

(d) Subdivision Review and Approval. The developer shall plat the entire development as a subdivision pursuant Appendix B, Subdivision Ordinance of the Code of Ordinances, City of Lynchburg, 1981; however, Planned Unit Developments being developed in stages may be platted in the same stages.

(e) Financial Responsibility. No building permits shall be issued for construction within a Planned Unit Development until public improvements are installed or performance bond posted in accordance with the Subdivision Ordinance. (Ord. No. O-83-154, § 1, 7-12-83)

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## **Sec. 35-19.1. Sale and Display of Merchandise or Placement of Items within Public Right-Of-Way in the Downtown Business District.**

Sec. 35-19.1. Sale and display of merchandise or placement of items within public right-of-way in the downtown business district.

(a) In order to help encourage the growth and development of businesses in the downtown business district, a business may apply for an annual permit allowing the business to display goods, wares or merchandise, or to place showcases, menu easels, benches or tables and chairs for customers, signs and similar items within the public right-of-way adjacent to the business.

(b) Any business in the downtown business district that desires to place items in the public right-of-way shall make written application to the department of public works. The application shall contain the following information:

(1) The name, address, and telephone number of the business, (2) a description of and the proposed location of the items, (3) the name, address and telephone number of the person that will be responsible for overseeing the placement and removal of the items in and from the public right-of-way, and (4) any other information the department of public works decides is necessary to determine if the items can be safely placed in the public right-of-way.

(c) If, in the opinion of the department of public works, the proposed items can be located in the public right-of-way without endangering the public safety an annual permit shall be issued allowing the placement of the items in that portion of the public right-of-way that is adjacent to the business submitting the application. Such items shall be located so as not to cause any inconvenience or danger to persons using the public right-of-way or create unsightly conditions. All items placed on a public sidewalk shall be located in such a manner as to leave at least four (4) feet of clearance between the item and edge of the curb. Items shall not be placed within three feet of any public area that is improved with flowers, shrubs, trees or other landscaping. A permit shall state whether or not the items can remain in the public right-of-way for a twenty-four (24) hour period or must be removed at the end of the business day. A business that receives a permit to place items in the public right-of-way shall keep the permit on the premises and shall allow city representatives to inspect the permit during regular business hours.

(d) No item placed in the public right-of-way shall be used for the advertisement, display or sale of alcohol or tobacco products or for the consumption of any alcoholic beverage.

(e) A permit shall be revoked upon a finding by the department of public works that the items located in the public right-of-way cause any inconvenience or danger to persons using the public right-of-way or create an unsightly condition. A permit may also be revoked if any of the information supplied on the application is discovered to be false or misleading or if the applicant fails to maintain the insurance required in paragraph "f" of this section. Upon notification that its permit has been revoked the business, at its sole expense, shall immediately remove all items from the public right-of-way and restore the right-of-way to its former condition. If a business fails to remove items that were placed in the public right-of-way after having been notified to do so the city may remove such items at the expense of the business.

(f) Before placing any items in the public right-of-way the business must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount and form as shall be approved by the city's risk management coordinator. The certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.

(g) This section shall not apply to newspaper vending machines and public telephone facilities; however, such items must be located in such a manner so as not to cause any inconvenience or danger to persons using the public right-of-way.

(h) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. O-83-045, § 1, 3-8-83; Ord. No. O-97-083, 5-13-97)

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## **Sec. 35-24. Unlawful to Install and/or Expand Communications Systems without a Franchise.**

Sec. 35-24. Unlawful to install and/or expand communications systems without a franchise.

The Council of the City of Lynchburg has determined that it is in the best interests of the City and its citizens to regulate and grant franchises to entities desiring to construct, operate and maintain communications systems within the public streets, alleys, public grounds or other public rights-of-way.

No corporation, association, person, partnership, or any other entity, whether public or private, profit or not for profit, shall construct, operate, expand or maintain a public or private communication system, any type of transmitter/receiver system, any telecommunication system, or any other system of any nature whatsoever for the purpose of transmitting or receiving voice, data, video or image signals in any of the City's streets, alleys, public grounds or other public rights-of-way without first obtaining a franchise from the Lynchburg City Council.

No corporation, association, person, partnership, or any other entity, which currently has a franchise from the city to maintain electric, gas, light, power, telephone, cable television, or any other services in the City's streets, alleys, public grounds, or other public rights-of-way shall expand, sell, lease or transfer their equipment and facilities to include any of the activities listed above without first obtaining a modification of their existing franchise from the City specifically permitting such activities.

Any violation of this section shall be punishable as a class 1 misdemeanor and each day such violation continues shall be punishable as a separate offense. In addition to the other penalties provided herein the City shall have the right to petition the judge of the circuit court for a court order injoining any violation of this section. (Ord. No. O-95-132, 5-23-95)

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## **Sec. 35-25. Authority to Enter into Agreements and Set Fees for Access to Fiber Optic Facilities Located in the Public Rights-Of-Way.**

Sec. 35-25. Authority to enter into agreements and set fees for access to fiber optic facilities located in the public rights-of-way.

(a) The city manager or his or her designee shall have the authority to make and/or enter into contracts or other agreements or arrangements concerning access to the city's fiber optic facilities located in the public rights-of-way, as deemed necessary; provided that the terms and conditions of such contracts shall not be contrary to the provisions of this code.

(b) The city manager or his or her designee shall have the authority to prescribe, revise and collect fees for access to the city's fiber optic facilities. Such fees shall take into consideration the city's cost of installing, operating, maintaining, and managing such facilities, a reasonable rate of return on the city's investment, and the intended purpose for which the user is seeking access to the facilities.

(c) The city manager shall file with the city clerk and make available for public inspection all schedules of fees which the city has established and which are in force at that time. (Ord. No. O-97-196, 9-23-97)

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## **Sec. 35-26. Public Rights-Of-Way Use Fee for Providers of Telecommunications Services.**

Sec. 35-26. Public rights-of-way use fee for providers of telecommunications services.

(a) For purposes of this section:

"Certificated provider of telecommunication services" means a public service corporation holding a certificate issued by the State Corporation Commission to provide local exchange or interexchange telephone service.

"Public rights-of-way use fee" means a fee charged and billed monthly to the ultimate end user of each access line of a certificated provider of local exchange telephone service, the rate of which fee shall be established annually by the Virginia Department of Transportation in the manner specified in Section 56-468.1 of the Code of Virginia.

(b) The public rights-of-way use fee is hereby imposed on the ultimate end user of each access line, as defined in Section 56-468.1 (A) of the Code of the Virginia and shall be collected by each certificated provider of local exchange telephone provider service operating in the city, but not providers of commercial mobile radio services. Within two months after the end of each calendar quarter, each such certificated provider shall remit to the city's finance department the amount of public rights-of-way use fees it has billed to end users of the provider's services during such preceding quarter. Fee so collected by the certificated providers shall be deemed to be held in trust until remitted to the city's finance department. Such fees shall constitute a debt of the ultimate end user until paid to such provider. If any ultimate end user refuses to pay the public rights-of-way use fee, the local exchange service provider shall furnish the name and address of each such ultimate end user on a quarterly basis along with the remittance of fees.

(c) The public rights-of-way fee shall be in lieu of, and not in addition to, the permit inspection and other fees imposed by the city code on certificated providers of telecommunications services. No certificated provider of telecommunication services shall be required to pay such permit or inspection fees or any other city fees or charges (except for zoning, subdivision, site plan and comprehensive plan fees of general application) as a condition of, or as compensation for, its use of the public rights-of-way.

(d) Nothing in this section, however, shall relieve any certificated provider of telecommunication services from submitting plans, applying for permits and adhering to applicable standards for construction, installation of facilities and street or roadway repairs in the manner required by the city code and all other applicable statutes, ordinances or regulations, provided such requirements are no greater than those imposed on all other providers of telecommunications or nonpublic providers of telecommunications or nonpublic providers of cable television, electric, natural gas, water or sanitary sewer services. Any application by a certificated provider of telecommunication services to use city rights-of-way shall be granted or denied by the city manager within forty-five (45) days after receipt, and, if denied, shall be accompanied by a written explanation of the reasons for denial and the actions required to cure the denial.

(e) Nothing in this section shall affect the type or amount of fees payable by providers of cable television services pursuant to any existing or future franchise, license or permit granted by the city.

(f) Nothing in this section shall affect any amount payable by any provider of telecommunications services for the right to locate towers or other facilities on property of the city other than within the public rights-of-way nor shall anything prohibit the city from entering into voluntary pole attachment, conduit occupancy or conduit construction agreements with any certificated provider of telecommunications service.

(g) The city shall annually expend at least ten percent (10%) of the amount of the public rights-of-way use fees it receives under this section for transportation construction or maintenance purposes. (Ord. No. O-98-151, 6-23-98, eff. 10-1-98)



## **Sec. 35-38. Pipe for Drainage Ditch.**

Sec. 35-38. Pipe for drainage ditch.

For the crossing of any drainage ditch the owner shall provide at his expense a pipe or conduit of such size and length as may be specified by the city engineer, such pipe or conduit to be placed or installed by the city. (Code 1959, § 30-3.1)

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## **Sec. 35-55. Inspection Fee; Deposit.**

Sec. 35-55. Inspection fee; deposit.

Before any permit shall be issued under the provisions of this article, the applicant therefor shall deposit with the city an inspection fee in the amount of twenty-five dollars (\$25.00) for each permit applicable to an area not exceeding ten (10) square feet plus fifty cents (\$0.50) for each square foot in excess thereof. These fees are subject to annual review and revision by the city council. If in the opinion of the city engineer a permit requires more than the usual routine administrative and inspection time, the utility shall be billed for all costs associated with this permit at a cost plus an overhead rate.

To ensure the restoration of the excavated area (for a minimum of one (1) year), the applicant shall also submit a bond, certified check, or other method of surety as approved by the city attorney. The amount of said bond, certified check, or surety shall be determined by the city engineer or such other person or persons as the city may from time to time designate. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-84-141, § 1, 6-12-84; eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-92-144, 5-12-92)

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## **Sec. 36-177. Exemption of Real Estate Taxes for Certain Rehabilitated or Renovated Residential and Commercial and Industrial Real Estate.**

Sec. 36-177. Exemption of real estate taxes for certain rehabilitated or renovated residential and commercial and industrial real estate.

(a) Definitions. For the purpose of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection unless another meaning shall clearly appear from the text:

(1) Substantially rehabilitated or renovated residential/multifamily (6 units or more) real estate: Real estate upon which there is an existing residential or multifamily structure, which is no less than fifty (50) years of age, and which has been so improved as to increase the assessed value of the structure by no less than forty (40) per cent. An addition to an existing residential or multifamily structure shall not qualify as substantial rehabilitation or replacement unless there is also simultaneous rehabilitation or renovation of the existing structure. In order for an addition to an existing structure to qualify as substantial rehabilitation or renovation, the addition must be for improvements to the living areas of the structure, such as bathrooms, kitchens, bedrooms and similar facilities. Additions for such things as garages, swimming pools, patios and similar facilities that are not used as living areas for the structure shall not be eligible for a tax exemption.

(2) Substantially rehabilitated or renovated commercial or industrial real estate: Any real estate upon which there is an existing commercial or industrial structure which is no less than twenty-five (25) years of age, and which has been so improved as to increase the assessed value of the structure by no less than sixty (60) per cent.

(3) Base value: The assessed value of any structure covered by this section prior to the commencement of rehabilitation or renovation work, as determined by the city assessor upon receipt of an eligible application for rehabilitated or renovated real estate tax exemption and after a physical inspection of the property by an appraiser from the city assessor's office.

(4) Rehabilitated or renovated real estate tax exemption: An amount equal to the increase in assessed value resulting from the substantial rehabilitation or renovation of a structure as determined by the city assessor and this amount only should be applicable to subsequent tax exemption.

(5) Taxable year: For the purpose of this section, the fiscal year from July 1 through June 30 for which such real estate tax is imposed for the exemption claimed.

(6) Owner: The person or entity in whose name the structure is titled or a lessee who is legally obligated to pay real estate taxes assessed against the structure.

(b) Rehabilitated or renovated real estate tax exemptions. It is hereby declared to be the purpose of this section to authorize a rehabilitated or renovated real estate tax exemption for substantially rehabilitated or renovated residential, multifamily, commercial or industrial real estate located anywhere within the City of Lynchburg. For each residential and multifamily property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of fifteen (15) years commencing on July 1 for any work completed during the preceding fiscal year. For each commercial or industrial property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of five (5) years commencing on July 1 for any work completed during the preceding fiscal year.

(c) Usual and customary methods of assessing. In determining the base value and the increased value resulting from substantial rehabilitation or renovation of residential, multifamily, commercial or industrial real estate, the city assessor shall employ usual and customary methods of assessing real estate.

(d) Eligibility requirements:

- (1) An application to qualify a structure as a substantially rehabilitated or renovated residential, multifamily, commercial or industrial structure must be filed with the city assessor's office before work is started. Applications may be obtained from the city assessor's office.
- (2) Upon receipt of an application for rehabilitated or renovated real estate tax exemption, an appraiser from the city assessor's office shall make a physical inspection of the structure and determine the assessed base value of the structure. If work has been started prior to the first inspection; the base value will include any work started and will reflect the market value of the structure as of the date of the first inspection.
- (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 city assessor in writing, and an appraiser from the city assessor's office shall physically inspect the property and perform an after rehabilitation or renovation appraisal to determine if it then qualifies for the rehabilitated or renovated real estate tax exemption.
- (5) Upon determination that the property has been substantially rehabilitated or renovated pursuant to the terms of this section, the rehabilitated or renovated real estate tax exemption shall become effective for a period as provided in paragraph (b) hereof.
- (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 this code.
- (7) No improvements made upon vacant land nor total replacement of residential, multifamily, commercial or industrial structures shall be eligible for rehabilitated or renovated real estate tax exemption as provided by this section. Tax exemptions for improvements to vacant land and for the replacement or repair of damaged or destroyed structures within the city's redevelopment or conservation areas or rehabilitation districts are regulated by Section 36-177.1 of the city code.
- (8) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the city assessor has verified that the rehabilitation or renovation indicated on the application has been completed.
- (9) Multifamily residential structures after rehabilitation or renovation is completed shall remain as such or may be used as single-family residences for the remainder of the exemption period.
- (10) There shall be a non-refundable fee of one hundred twenty-five dollars (\$125.00) for processing each residential application and two hundred fifty dollars (\$250.00) for processing each multi-family, commercial or industrial application under this section.
- (11) The property must at all times be in compliance with all Lynchburg city codes including, without limitation, the building code, the rental housing code, the zoning ordinance and all other codes that relate to real estate within the City of Lynchburg. Failure to correct the violation within the required time, as provided by the building inspector, will void the remainder of the exemption. If a structure is damaged or destroyed and found to be uninhabitable, the exemption will be terminated.
- (12) No exemption shall be granted if access to the entire property is denied to the city assessor's office or the inspections division.
- (13) All taxes must be paid and current to be eligible for an exemption. If the city assessor is notified by the billing and collections department that the property is more than thirty (30) days delinquent on taxes, then the remainder of the exemption will be void.
- (14) Only one rehabilitation or renovation exemption may be active for a parcel at any given time.

(e) Exemption to run with the land. The rehabilitated or renovated real estate tax exemption shall run with the land, and the owner of such property during each of the years of exemption shall be entitled to the amount of partial exemption. (Ord. No. O-82-252, § 1, 12-14-82; Ord. No. O-84-274, § 1, 11-27-84, eff. 7-1-84; Ord. No. O-88-277, § 1, 10-11-88; Ord. No. O-93-331, 12-14-93; Ord. No. O-03-040, 2-25-03, eff. 4-1-03; Ord. No. O-08-075, 5-27-08)

Last updated date: 6/2/2008 3:14:59 PM

## **Sec. 36-189. Recordation Tax.**

Sec. 36-189. Recordation tax.

Pursuant to Section 58.1-814, Code of Virginia (1950), as amended, in addition to the recordation tax imposed by the Commonwealth of Virginia, there is hereby imposed a city recordation tax in an amount equal to one-third (1/3rd) of the amount of the state recordation tax collectible for the state on the first recordation of each taxable instrument in this city; provided, however, where a deed or other instrument conveys, covers or relates to property located partially in this city and also to property located partially in another city or county or in other counties or cities, the tax imposed under the authority of this section shall be computed only with respect to the property located in this city. (Tax Code 1941, § 136; Ord. of 6-1-78; Ord. No. O-04-080, 7-13-04)

Last updated date: 10/23/2006 4:15:21 PM

## **Sec. 36-189.1. Probate Tax.**

Sec. 36-189.1. Probate tax.

Pursuant to Section 58.1-1718 of the Code of Virginia (1950), as amended, there is hereby imposed a City tax on the probate of every will or grant of administration in an amount equal to one third of the amount of the state tax imposed for the probate of a will or grant of administration. Such tax shall be collected by the Clerk of the Lynchburg Circuit Court and shall be transmitted to the City on a monthly basis. (Ord. No O-92-189, 6-9-92)

Last updated date: 3/11/2011 11:23:28 AM

## **Sec. 36-189.2. Fee for Recording a List of Heirs or Affidavit.**

Sec. 36-189.2. Fee for recording a list of heirs or affidavit.

Pursuant to the provisions of Section 58.1-1718 of the Code of Virginia, the City hereby charges a twenty-five dollar (\$25.00) fee for the recordation of a list of heirs pursuant to Section 64.1-134 of the Code of Virginia or an affidavit pursuant to Section 64.1-135 of the Code of Virginia, as provided in Section 58.1-1717.1 of the Code of Virginia. (Ord No. O-11-024, 3-8-11, eff. 7-1-10)

Last updated date: 3/11/2011 11:22:15 AM

## **Sec. 37-86. Fee.**

Sec. 37-86. Fee.

A fee of fifty dollars (\$50.00) shall be paid to the city for processing and investigating the applicant, which fee shall be nonrefundable. (Code 1959, § 31-55; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

Last updated date: 10/23/2006 4:15:21 PM

§ 2.2-5206. Community policy and management teams; powers and duties.

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;
2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;
3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;
4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § [16.1-309.3](#);
5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council and a process to review the teams' recommendations and requests for funding;
6. Establish quality assurance and accountability procedures for program utilization and funds management;
7. Establish procedures for obtaining bids on the development of new services;
8. Manage funds in the interagency budget allocated to the community from the state pool of funds, the trust fund, and any other source;
9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a collaborative, multidisciplinary team process approved by the Council;
10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts for the provision or operation of services upon approval of the participating governing bodies;
11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and Families, reporting on its programmatic and fiscal operations and on its recommendations for improving the service system, including consideration of realignment of geographical boundaries for providing human services;
12. Collect and provide uniform data to the Council as requested by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 16 of § [2.2-2648](#);
13. Review and analyze data in management reports provided by the Office of Comprehensive Services for At-Risk Youth and Families in accordance with subdivision D 18 of § [2.2-2648](#) to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive Services Act program. Every team shall also review local and statewide data provided in the management reports on the number of children served, children placed out of state, demographics, types of services provided, duration of services, service expenditures, child and family outcomes, and performance measures. Additionally, teams shall track the utilization and performance of residential placements using data and management reports to develop and implement strategies for returning children placed outside of the

Commonwealth, preventing placements, and reducing lengths of stay in residential programs for children who can appropriately and effectively be served in their home, relative's homes, family-like setting, or their community;

14. Administer funds pursuant to § [16.1-309.3](#);

15. Have authority, upon approval of the participating governing bodies, to enter into a contract with another community policy and management team to purchase coordination services provided that funds described as the state pool of funds under § [2.2-5211](#) are not used;

16. Submit to the Department of Behavioral Health and Developmental Services information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ [37.2-403](#) et seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained by the reporting entities. Such information shall be gathered from the family assessment and planning team or participating community agencies authorized in § [2.2-5207](#). Information to be submitted shall include:

a. The child or adolescent's date of birth;

b. Date admission was attempted; and

c. Reason the patient could not be admitted into the hospital or facility; and

17. Establish policies for providing intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program, consistent with guidelines developed pursuant to subdivision D 22 of § [2.2-2648](#).

(1992, cc. 837, 880; 1995, cc. [396](#), [696](#), [699](#), § 2.1-752; 1997, c. [347](#); 1999, c. [669](#); 2000, c. [937](#); 2001, cc. [190](#), [206](#), [844](#); 2002, cc. [585](#), [619](#); 2003, c. [483](#); 2008, cc. [39](#), [170](#), [277](#); 2009, cc. [813](#), [840](#).)

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§ 8.01-413. Certain copies of health care provider's records or papers of patient admissible; right of patient, his attorney and authorized insurer to copies of such records or papers; subpoena; damages, costs and attorneys' fees.

A. In any case where the hospital, nursing facility, physician's, or other health care provider's original records or papers of any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic or chemical storage process thereof shall be admissible as evidence in any court of this Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original records.

Any hospital, nursing facility, physician, or other health care provider whose records or papers relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such hospital, nursing facility, physician, or other health care provider, enter an order requiring production of the originals, if available, of any stored records or papers whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the hospital, nursing facility, physician, or other health care provider for the service of maintaining, retrieving, reviewing, preparing, copying and mailing the items produced. Except for copies of X-ray photographs, however, such charges shall not exceed \$0.50 for each page up to 50 pages and \$0.25 a page thereafter for copies from paper or other hard copy generated from computerized or other electronic storage, or other photographic, mechanical, electronic, imaging or chemical storage process and \$1 per page for copies from microfilm or other micrographic process, plus all postage and shipping costs and a search and handling fee not to exceed \$10.

Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every twelve months to either the patient or the patient's attorney.

B. Copies of hospital, nursing facility, physician's, or other health care provider's records or papers shall be furnished within 15 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § [6514-045:14-36](#).

However, copies of a patient's records shall not be furnished to such patient when the patient's treating physician or clinical psychologist, in the exercise of professional judgment, has made a part of the patient's records a written statement that in his opinion the furnishing to or review by the patient of such records would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such health records make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such records shall be furnished within 15 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the records are not provided to the patient in accordance with this section, then, if requested by the patient, the hospital, nursing facility, physician, or other health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the records to a physician or clinical psychologist of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or clinical psychologist upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the records available to the patient or (ii) designate a physician or clinical psychologist, whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician or clinical psychologist upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his records, who shall, at the expense of the

provider denying access to the patient, review the records and make a judgment as to whether to make the records available to the patient. In either such event, the hospital, nursing facility, physician, or other health care provider denying the request shall comply with the judgment of the reviewing physician or clinical psychologist.

Except as provided in subsection G, a reasonable charge may be made by the hospital, nursing facility, physician or other health care provider maintaining the records for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the records. Except for copies of X-ray photographs, however, such charges shall not exceed \$0.50 per page for up to 50 pages and \$0.25 a page thereafter for copies from paper or other hard copy generated from computerized or other electronic storage, or other photographic, mechanical, electronic, imaging or chemical storage process and \$1 per page for copies from microfilm or other micrographic process, a fee for search and handling, not to exceed \$10, and all postage and shipping costs. Any hospital, nursing facility, physician, or other health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every twelve months to either the patient or the patient's attorney.

C. Upon the failure of any hospital, nursing facility, physician, or other health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § [6514.045:14=36](#), the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § [4:1405:8](#), and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § [134073](#): without payment of the fees established in subdivision A 23 of § [4:1405:8](#). A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired. The subpoena shall be returnable within 20 days of proper service, directing the hospital, nursing facility, physician, or other health care provider to produce and furnish copies of the reports and papers to the clerk who shall then make the same available to the patient, his attorney or authorized insurer. If the court finds that a hospital, nursing facility, physician, or other health care provider willfully refused to comply with a written request made in accordance with subsection B, either by willfully or arbitrarily refusing or by imposing a charge in excess of the reasonable expense of making the copies and processing the request for records, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including court costs and reasonable attorney's fees.

D. The provisions of subsections A, B, and C hereof shall apply to any health care provider whose office is located within or without the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth of Virginia, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. Health care provider, as used in this section, shall have the same meaning as provided in § [6514.045:14=36](#) and shall also include an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution.

F. Notwithstanding the authorization to admit as evidence patient records in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in Virginia shall only be stored in compliance with §§ [8714.06743](#), [8714.06744](#) and [8714.06745](#).

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for his own records, which shall be governed by subsection J of § [6514.045:14=36](#). This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of records requested by any person other than a patient when requesting his own records pursuant to subsection J of § [6514.045:14=36](#).

(Code 1950, § 8-277.1; 1954, c. 329; 1976, c. 50; 1977, cc. 208, 617; 1981, c. 457; 1982, c. 378; 1990, cc. 99, 320;

1992, c. 696; 1994, cc. [6<3](#), [8:5](#); 1995, c. [8:9](#); 1997, c. [9:5](#); 1998, c. [7:3](#); 2000, cc. [:46](#), [<56](#); 2001, c. [89:](#); 2002, cc. [796](#), [987](#); 2004, cc. [98](#), [668](#), [:75](#), [4347](#); 2005, cc. [975](#), [9<:](#); 2009, c. [5:3](#).)

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§ 15.2-1716. Reimbursement of expenses incurred in responding to DUI and related incidents.

A. Any locality may provide by ordinance that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. The ordinance may further provide that a person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing:

1. The provisions of § [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 such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
2. The provisions of Article 7 (§ [46.2-852](#) et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
3. The provisions of Article 1 (§ [46.2-300](#) et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and
4. The provisions of § [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 \$1,000 in the aggregate for a particular accident, arrest, or incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality or to 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.

(1994, c. [617](#), § 15.1-132.1; 1995, cc. [683](#), [685](#), [830](#); 1997, cc. [587](#), [691](#); 2001, c. [505](#); 2003, c. [796](#); 2004, c. [273](#); 2005, cc. [148](#), [366](#); 2006, c. [679](#); 2009, c. [245](#); 2010, c. [343](#).)

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § [481505534](#), to the general regulations in any district.
2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.
3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § [481505539](#).

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § [481505644](#); and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § [48150563](#); or subsection C of § [481505644](#).

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § [48150553](#), and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § [481505644](#), a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § [4.8.15.05.6.4.4](#), and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § [4.8.15.05.6.4.7](#).

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with Chapter 13 or Chapter 13.2 of Title 55, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map,

or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § [481505534](#).

10. For the administration of incentive zoning as defined in § [481505534](#).

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

14. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

15. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.

(Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. [35](#); 1995, cc. [684](#), [7:8](#), [8:7](#), [936](#); 1996, c. [784](#); 1997, cc. [85<](#), [876](#), [8:;](#); 1998, c. [6:8](#); 1999, c. [:<5](#); 2000, cc. [:97](#), [:4:](#); 2001, c. [573](#); 2002, cc. [87:](#), [:36](#); 2005, cc. [958](#), [9:;](#); 2006, cc. [637](#), [847](#), [866](#), [<36](#);

2007, cc. [.j54](#), [<6.:](#); 2008, cc. [5<:](#), [64.:](#), [676](#), [8;4](#), [8<6](#), [.53](#), [.:::](#); 2009, c. [.54](#); 2012, cc. [637](#), [64;.:](#))

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§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees.

A. Whenever any court directs an investigation pursuant to subdivision A of § [16.1-237](#) or § [16.1-273](#) or [9.1-153](#), or an evaluation pursuant to § [16.1-278.5](#), the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than 72 hours, and in cases of child custody, 15 days, prior to the time set by the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports filed pursuant to § [9.1-153](#).

B. Notwithstanding the provisions of §§ [16.1-69.48:2](#) and [17.1-275](#), when the court directs the appropriate local department of social services to conduct supervised visitation or directs the appropriate local department of social services or court services unit to conduct an investigation pursuant to § [16.1-273](#) or to provide mediation services in matters involving a child's custody, visitation, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the appropriate local board of social services when the service is provided by a local department of social services or by a court services unit. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services, locally operated court services unit or Department of Juvenile Justice, whichever performed the service, unless payment is waived. The method and medium for payment for such services shall be determined by the local department of social services, Department of Juvenile Justice, or the locally operated court services unit that provided the services.

C. When a local department of social services or any court services unit is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support pursuant to § [16.1-273](#) or, in the case of a request from another state pursuant to a provision corresponding to § [16.1-273](#), or to provide mediation services, or for a local department of social services to provide supervised visitation, the local department or the court services unit performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised visitation.

(Code 1950, § 16.1-208.1; 1972, c. 111; 1975, c. 286; 1977, c. 559; 1983, c. 174; 1987, c. 5; 1989, c. 725; 1990, c. 752; 1991, cc. 534, 618; 1992, c. 554; 1993, c. 975; 2001, c. [364](#); 2006, c. [675](#); 2012, cc. [164](#), [456](#).)

§ 16.1-309.9. Establishment of standards; determination of compliance.

A. The State Board of Juvenile Justice shall develop, promulgate and approve standards for the development, implementation, operation and evaluation of the range of community-based programs, services and facilities authorized by this article. The State Board shall also approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.

B. The State Board may prohibit, by its order, the placement of juveniles in any place of residence which does not comply with the minimum standards. It may limit the number of juveniles to be detained or housed in a detention home or other facility and may designate some other place of detention or housing for juveniles who would otherwise be held therein.

C. The Department shall periodically review all services established and annually review expenditures made under this article to determine compliance with the approved local plans and operating standards. If the Department determines that a program is not in substantial compliance with the approved plan or standards, the Department may suspend all or any portion of financial aid made available to the locality until there is compliance.

D. Orders of the State Board of Juvenile Justice shall be enforced by circuit courts as is provided for the enforcement of orders of the State Board of Corrections under § [53.1-70](#).

(1995, cc. [698](#), [840](#).)

§ 17.1-272. Process and service fees generally.

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § [2.2-4022](#).
2. Summoning a witness or garnishee on an attachment.
3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.
4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ [16.1-226](#) et seq.) of Title 16.1.

5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.

6. Summoning a witness in any case in which custody or visitation of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.
2. Service of a writ of possession, except that there shall be an additional fee of \$12 for each additional defendant.
3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § [8.01-478](#).
4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.
5. Levying distress warrant or an attachment.

6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, and no victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant, protective order, petition for a protective order, or witness subpoena, issued inside or outside the Commonwealth.

D. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.

(Code 1950, §§ 14-104, 14-116, p. 25; 1964, c. 386, §§ 14.1-93, 14.1-105; 1971, Ex. Sess., c. 155; 1972, c. 719; 1975, c. 591; 1976, cc. 308, 310; 1981, c. 411; 1982, c. 674; 1983, c. 407; 1984, c. 317; 1992, c. 648; 1995, c. [51](#), § 14.1-95.1; 1998, c. [872](#); 2002, c. [508](#); 2004, cc. [198](#), [211](#), [588](#); 2011, cc. [445](#), [480](#).)

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § [20-25](#), \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § [17.1-267](#) or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § [2.2-3704](#). However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § [18.2-251](#) which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § [18.2-251](#), which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § [17.1-275.8](#).

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § [17.1-132](#). A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ [8.01-432](#) through [8.01-440](#), the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § [8.01-451](#), but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § [8.01-452](#), a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § [8.01-529](#), \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § [57-8](#) or [57-15](#), \$10.
23. For preparation and issuance of a subpoena duces tecum, \$5.
24. For all services rendered by the clerk in matters under § [8.01-217](#) relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.
25. For providing court records or documents on microfilm, per frame, \$0.50.
26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#) to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.
27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk.
28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.
29. For all services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), or [17.1-275.4](#), in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § [63.2-1246](#), to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § [63.2-1201](#), except those filed pursuant to subdivisions 5 and 6 of § [63.2-1210](#), an additional \$50 filing fee as required under § [63.2-1201](#) shall be deposited in the Putative Father Registry Fund pursuant to § [63.2-1249](#).
30. For issuing a duplicate license for one lost or destroyed as provided in § [29.1-334](#), a fee in the same amount as the fee for the original license.
31. For the filing of any petition as provided in §§ [33.1-124](#), [33.1-125](#), and [33.1-129](#), a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § [33.1-122](#), as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.
32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), or [17.1-275.9](#), a fee of \$20.
33. [Repealed.]
34. For filings, etc., under the Uniform Federal Lien Registration Act (§ [55-142.1](#) et seq.), the fees shall be as prescribed in that Act.
35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § [55-218.1](#),

a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § [59.1-74](#), a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ [59.1-406](#) et seq.), the fee as prescribed in § [59.1-411](#).

39. For lodging, indexing and preserving a will in accordance with § [64.2-409](#), a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ [64.2-2001](#) and [64.2-2013](#), the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § [17.1-281](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § [17.1-278](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § [42.1-70](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § [17.1-276](#) shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

(Code 1950, § 14-123, p. 614; 1952, c. 146; 1954, c. 138; 1956, c. 217; 1964, c. 386, § 14.1-112; 1966, c. 217; 1970, c. 522; 1971, Ex. Sess., c. 95; 1972, cc. 626, 627, 647; 1973, c. 159; 1974, cc. 370, 523; 1975, c. 226; 1976, c. 344; 1977, cc. 449, 463; 1978, c. 502; 1980, c. 145; 1983, c. 103; 1984, cc. 225, 356; 1985, cc. 94, 201; 1986, c. 538; 1988, cc. 49, 52; 1989, c. 595; 1990, cc. 88, 738, 971; 1992, c. 784; 1993, cc. 95, 299, 386; 1994, cc. [64](#), [432](#), [498](#), [842](#); 1995, cc. [51](#), [371](#), [440](#), [463](#), [525](#), § 14.1-111.1; 1996, cc. [344](#), [976](#); 1997, cc. [215](#), [921](#); 1998, cc. [783](#), [840](#), [872](#); 1999, cc. [9](#), [1003](#); 2000, cc. [826](#), [830](#); 2001, cc. [481](#), [496](#), [501](#), [836](#); 2002, cc. [831](#), [832](#); 2004, c. [1004](#); 2005, cc. [373](#), [681](#); 2006, cc. [318](#), [623](#), [718](#), [825](#); 2007, cc. [548](#), [626](#), [646](#); 2009, c. [594](#); 2010, c. [874](#); 2011, cc. [707](#), [890](#); 2012, cc. [420](#), [714](#), [780](#); 2013, c. [263](#).)



§ 17.1-275.1. Fixed felony fee.

Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions of § [4914.05:1](#), [4914.05:1<](#), [4;15094](#), [4;1509:14](#), or [4;150584](#), there shall be assessed as court costs a fee of \$375, to be known as the fixed felony fee.

The amount collected, in whole or in part, for the fixed felony fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.4705067);
2. Forensic science fund (.1033333);
3. Court reporter fund (.0887200);
4. Witness expenses/expert witness fund (.0053333);
5. Virginia Crime Victim-Witness Fund (.0080000);
6. Intensified Drug Enforcement Jurisdiction Fund (.0106667);
7. Criminal Injuries Compensation Fund (.0800000);
8. Commonwealth's attorney fund (state share) (.0533333);
9. Commonwealth's attorney fund (local share) (.0533333);
10. Regional Criminal Justice Academy Training Fund (.0026667);
11. Warrant fee (.0320000);
12. Courthouse construction/maintenance fund (.0053333); and
13. Clerk of the circuit court (.0867733).

(1999, c. [2](#); 2002, c. [164](#); 2003, c. [436](#); 2005, c. [964](#); 2011, c. [898](#).)

§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.

A. Any county or city, through its governing body, may assess a sum not in excess of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

B. The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

C. Any county or city which, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum not in excess of three dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less. Any locality which applies for certification from the Department under this subsection shall reimburse the Department for the actual costs incurred by the Department in complying with the certification request.

D. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city, and held by such treasurer subject to disbursements by the governing body solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse.

E. The assessments provided for herein shall be in addition to any other fees prescribed by law. The assessments shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring their payment.

(1990, c. 543, § 14.1-133.2; 1991, c. 689; 1992, cc. 698, 863; 1998, c. [872](#); 1999, c. [9](#); 2002, c. [831](#); 2009, cc. [814](#), [857](#).)

§ 18.2-266. Driving motor vehicle, engine, etc., while intoxicated, etc.

It shall be unlawful for any person to drive or operate any motor vehicle, engine or train (i) while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in this article, (ii) while such person is under the influence of alcohol, (iii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, (iv) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (v) while such person has a blood concentration of any of the following substances at a level that is equal to or greater than: (a) 0.02 milligrams of cocaine per liter of blood, (b) 0.1 milligrams of methamphetamine per liter of blood, (c) 0.01 milligrams of phencyclidine per liter of blood, or (d) 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood. A charge alleging a violation of this section shall support a conviction under clauses (i), (ii), (iii), (iv), or (v).

For the purposes of this article, the term "motor vehicle" includes mopeds, while operated on the public highways of this Commonwealth.

(Code 1950, § 18.1-54; 1960, c. 358; 1975, cc. 14, 15; 1977, c. 637; 1984, c. 666; 1986, c. 635; 1987, c. 661; 1992, c. 830; 1994, cc. [359](#), [363](#); 1996, c. [439](#); 2005, cc. [616](#), [845](#).)

§ 18.2-270. Penalty for driving while intoxicated; subsequent offense; prior conviction.

A. Except as otherwise provided herein, any person violating any provision of § [18.2-266](#) shall be guilty of a Class 1 misdemeanor with a mandatory minimum fine of \$250. If the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of five days or, (ii) if the level was more than 0.20, for an additional mandatory minimum period of 10 days.

B. 1. Any person convicted of a second offense committed within less than five years after a prior offense under § [18.2-266](#) shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month nor more than one year. Twenty days of such confinement shall be a mandatory minimum sentence.

2. Any person convicted of a second offense committed within a period of five to 10 years of a prior offense under § [18.2-266](#) shall upon conviction of the second offense be punished by a mandatory minimum fine of \$500 and by confinement in jail for not less than one month. Ten days of such confinement shall be a mandatory minimum sentence.

3. Upon conviction of a second offense within 10 years of a prior offense, if the person's blood alcohol level as indicated by the chemical test administered as provided in this article or by any other scientifically reliable chemical test performed on whole blood under circumstances reliably establishing the identity of the person who is the source of the blood and the accuracy of the results (i) was at least 0.15, but not more than 0.20, he shall be confined in jail for an additional mandatory minimum period of 10 days or, (ii) if the level was more than 0.20, for an additional mandatory minimum period of 20 days. In addition, such person shall be fined a mandatory minimum fine of \$500.

C. 1. Any person convicted of three offenses of § [18.2-266](#) committed within a 10-year period shall upon conviction of the third offense be guilty of a Class 6 felony. The sentence of any person convicted of three offenses of § [18.2-266](#) committed within a 10-year period shall include a mandatory minimum sentence of 90 days, unless the three offenses were committed within a five-year period, in which case the sentence shall include a mandatory minimum sentence of confinement for six months. In addition, such person shall be fined a mandatory minimum fine of \$1,000.

2. A person who has been convicted of § [18.2-36.1](#), [18.2-36.2](#), [18.2-51.4](#), [18.2-51.5](#), or a felony violation of § [18.2-266](#) shall upon conviction of a subsequent violation of § [18.2-266](#) be guilty of a Class 6 felony. The punishment of any person convicted of such a subsequent violation of § [18.2-266](#) shall include a mandatory minimum term of imprisonment of one year and a mandatory minimum fine of \$1,000.

3. The punishment of any person convicted of a fourth or subsequent offense of § [18.2-266](#) committed within a 10-year period shall, upon conviction, include a mandatory minimum term of imprisonment of one year. In addition, such person shall be fined a mandatory minimum fine of \$1,000. Unless otherwise modified by the court, the defendant shall remain on probation and under the terms of any suspended sentence for the same period as his operator's license was suspended, not to exceed three years.

4. The vehicle solely owned and operated by the accused during the commission of a felony violation of § [18.2-266](#) shall be subject to seizure and forfeiture. After an arrest for a felony violation of § [18.2-266](#), the Commonwealth may file an information in accordance with § [19.2-386.34](#).

D. In addition to the penalty otherwise authorized by this section or § [16.1-278.9](#), any person convicted of a violation of § [18.2-266](#) committed while transporting a person 17 years of age or younger shall be (i) fined an

additional minimum of \$500 and not more than \$1,000 and (ii) sentenced to a mandatory minimum period of confinement of five days.

E. For the purpose of determining the number of offenses committed by, and the punishment appropriate for, a person under this section, an adult conviction of any person, or finding of guilty in the case of a juvenile, under the following shall be considered a conviction of § [18.2-266](#): (i) the provisions of § [18.2-36.1](#) or the substantially similar laws of any other state or of the United States, (ii) the provisions of §§ [18.2-51.4](#), [18.2-266](#), former § 18.1-54 (formerly § 18-75), the ordinance of any county, city or town in this Commonwealth or the laws of any other state or of the United States substantially similar to the provisions of § [18.2-51.4](#), or § [18.2-266](#), or (iii) the provisions of subsection A of § [46.2-341.24](#) or the substantially similar laws of any other state or of the United States.

F. Mandatory minimum punishments imposed pursuant to this section shall be cumulative, and mandatory minimum terms of confinement shall be served consecutively. However, in no case shall punishment imposed hereunder exceed the applicable statutory maximum Class 1 misdemeanor term of confinement or fine upon conviction of a first or second offense, or Class 6 felony term of confinement or fine upon conviction of a third or subsequent offense.

(Code 1950, § 18.1-58; 1960, c. 358; 1962, c. 302; 1975, cc. 14, 15; 1982, c. 301; 1983, c. 504; 1989, c. 705; 1991, cc. 370, 710; 1992, c. 891; 1993, c. 972; 1997, c. [691](#); 1999, cc. [743](#), [945](#), [949](#), [987](#); 2000, cc. [784](#), [956](#), [958](#), [980](#), [982](#); 2002, c. [759](#); 2003, cc. [573](#), [591](#); 2004, cc. [461](#), [937](#), [946](#), [950](#), [957](#), [958](#), [962](#); 2006, cc. [82](#), [314](#); 2009, c. [229](#); 2012, cc. [283](#), [756](#); 2013, cc. [415](#), [655](#).)

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§ 18.2-308.03. Fees for concealed handgun permits.

A. The clerk shall charge a fee of \$10 for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed \$35 to cover the cost of conducting an investigation pursuant to this article. The \$35 fee shall include any amount assessed by the U.S. Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the U.S. Federal Bureau of Investigation to the State Police with the fingerprints taken from any nonresident applicant. The State Police may charge a fee not to exceed \$5 to cover its costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed \$50, with such fees to be paid in one sum to the person who receives the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is received by the court as a complete application.

B. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a special agent with the Alcoholic Beverage Control Board or as a law-enforcement officer with the Department of State Police, the Department of Game and Inland Fisheries, or a sheriff or police department, bureau, or force of any political subdivision of the Commonwealth, after completing 15 years of service or after reaching age 55; (iii) as a law-enforcement officer with the U.S. Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, U.S. Customs and Border Protection, Department of State Diplomatic Security Service, U.S. Marshals Service, or Naval Criminal Investigative Service, after completing 15 years of service or after reaching age 55; (iv) as a law-enforcement officer with any police or sheriff's department within the United States, the District of Columbia, or any of the territories of the United States, after completing 15 years of service; (v) as a law-enforcement officer with any combination of the agencies listed in clauses (ii) through (iv), after completing 15 years of service; (vi) as a designated boarding team member or boarding officer of the United States Coast Guard, after completing 15 years of service or after reaching age 55; or (vii) as a correctional officer as defined in § [53.1-1](#) after completing 15 years of service.

(2013, cc. [135](#), [559](#), [746](#).)

§ 19.2-310.2. Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee.

A. Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ [4:15094](#) et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a violation of (i) § [4:1509:17](#), (ii) § [4:1509:17=5](#), (iii) subsection C of § [4:1509:18](#), (iv) § [4:150463](#) or (v) § [4:1506:319](#) shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. The Department of Forensic Science shall provide to LIDS the most current information submitted to the DNA data bank on a weekly basis and shall remove from LIDS and the data bank persons no longer eligible to be in the data bank. A fee of \$25 shall be charged for the withdrawal of this sample. The fee shall be taxed as part of the costs of the criminal case resulting in the conviction and one-half of the fee shall be paid into the general fund of the locality where the sample was taken and one-half of the fee shall be paid into the general fund of the state treasury. This fee shall only be taxed one time regardless of the number of samples taken. The assessment provided for herein shall be in addition to any other fees prescribed by law. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available only as provided in § [4:15064318](#).

B. After July 1, 1990, the blood, saliva or tissue sample shall be taken prior to release from custody. Notwithstanding the provisions of § [8614048<](#), any person convicted of a felony who is in custody after July 1, 1990, shall provide a blood, saliva or tissue sample prior to his release. Every person so convicted after July 1, 1990, who is not sentenced to a term of confinement shall provide a blood, saliva or tissue sample as a condition of such sentence. A person required under this section to submit a sample for DNA analysis is not relieved from this requirement regardless of whether no blood, saliva, or tissue sample has been taken from the person or, if a sample has been taken, whether the sample or the results from the analysis of a sample cannot be found in the DNA data bank maintained by the Department of Forensic Science.

C. Nothing in this section shall prevent the Department of Forensic Science from including the identification characteristics of an individual's DNA profile in the DNA data bank as ordered by a circuit court pursuant to a lawful plea agreement.

D. A collection or placement of a sample for DNA analysis that was taken or retained in good faith does not invalidate the sample's use in the data bank pursuant to the provisions of this article. The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith, or if the conviction or juvenile adjudication that resulted in the collection of the DNA sample was subsequently vacated or otherwise altered in any future proceeding, including but not limited to post-trial or post-fact-finding motions, appeals, or collateral attacks.

E. The Virginia Department of Corrections and the Department of Forensic Science shall, on a quarterly basis, compare databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank of the Department of Forensic Science. The Virginia Department of Corrections shall require a DNA sample of those offenders under its custody or supervision if they are not identified in the DNA data bank.

F. Each community-based probation services agency established pursuant to § [<1404:7](#) shall determine by reviewing the Local Inmate Data System upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

G. The sheriff or regional jailer shall determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to this section and, if no sample has been taken, require an offender to submit a sample for DNA analysis.

(1990, c. 669; 1993, c. 33; 1996, cc. [487](#), [485](#); 1998, c. [53](#); 2002, cc. [87](#), [86](#), [6](#); 2005, cc. [9](#), [4](#); 2007, c. [85](#); 2011, c. [57](#).)

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§ 19.2-348. Attorneys for Commonwealth or clerks to superintend issue of executions, etc.

The attorney for the Commonwealth or the clerk of the circuit court shall superintend the issuing of all executions or judgments for fines and penalties going wholly or in part to the Commonwealth or a county, city or town, in the circuit court or appropriate district court of his county or city.

(Code 1950, § 19.1-341.1; 1960, c. 366; 1975, c. 495; 1983, c. 499; 1992, c. 623; 1994, c. [811](#).)

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§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 30 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

B. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does not enter into an installment payment agreement under § [19.2-354](#), the attorney for the Commonwealth and the clerk may agree to a process by which collection activity may be commenced 30 days after judgment.

If the attorney for the Commonwealth does not undertake collection, he shall contract with (i) private attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii) enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of Taxation, upon such terms and conditions as may be established by guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of Taxation and the Compensation Board. If the attorney for the Commonwealth undertakes collection, he shall follow the procedures established by the Department of Taxation and the Compensation Board. Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private attorneys and collection agencies when active collection efforts are being undertaken. As part of such contract, private attorneys or collection agencies shall be given access to the social security number of the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the penalties and provisions of § [18.2-186.3](#).

The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act (§ [58.1-520](#) et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney for the Commonwealth may collect the administrative fee authorized by § [58.1-3958](#).

C. The Department of Taxation and the State Compensation Board shall be responsible for the collection of any judgment which remains unsatisfied or does not meet the conditions of § [19.2-354](#). Persons owing such unsatisfied judgments or failing to comply with installment payment agreements under § [19.2-354](#) shall be subject to the delinquent tax collection provisions of Title 58.1. The Department of Taxation and the State Compensation Board shall establish procedures to be followed by clerks of courts, attorneys for the Commonwealth, other state agencies and any private attorneys or collection agents and may employ private attorneys or collection agencies, or engage other state agencies to collect the judgment. The Department of Taxation and the Commonwealth shall be entitled to deduct a fee for services from amounts collected for violations of local ordinances.

The Department of Taxation and the State Compensation Board shall annually report to the Governor and the General Assembly the total of fines, costs, forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied or do not meet the conditions of § [19.2-354](#) by each circuit and district court. The report shall include the procedures established by the Department of Taxation and the State Compensation Board pursuant to this section and a plan for increasing the collection of unpaid fines, costs, forfeitures and penalties. The Auditor of

Public Accounts shall annually report to the Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures established by the Department of Taxation and the State Compensation Board.

(Code 1950, § 19.1-341.2; 1960, c. 366; 1975, c. 495; 1979, c. 469; 1983, cc. 415, 499; 1988, cc. 742, 750, 770, 852; 1991, c. 202; 1992, c. 623; 1993, c. 269; 1994, cc. [841](#), [945](#); 2001, c. [414](#); 2003, c. [262](#); 2006, c. [359](#); 2007, c. [551](#); 2012, c. [615](#).)

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§ 36-137. Powers and duties of Board; appointment of Building Code Academy Advisory Committee.

The Board shall exercise the following powers and duties, and such others as may be provided by law:

1. Provide a means of citizen access to the Department.
  2. Provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities.
  3. Monitor the policies and activities of the Department and have the right of access to departmental information.
  4. Advise the Governor and the Director on matters relating to housing and community development.
  5. Make such rules and regulations as may be necessary to carry out its responsibilities and repeal or amend such rules when necessary.
  6. Issue a certificate of competence concerning the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ [690<](#); et seq.), Chapter 9 (§ [5:0<7](#) et seq.) of Title 27, and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.
  7. Levy by regulation up to two percent of permit fees authorized pursuant to §§ [690<;16](#) and [690438](#) to support training programs of the Building Code Academy established pursuant to § [69046<](#). Local building departments shall collect such levy and transmit it quarterly to the Department of Housing and Community Development. Localities that maintain, individual or regional, training academies accredited by the Department of Housing and Community Development shall retain such levy. However, such localities may send employees to training programs of the Building Code Academy upon payment of a fee calculated to cover the cost of such training. Any unspent balance shall be reappropriated each year for the continued operation of the Building Code Academy.
- The Board shall appoint a Building Code Academy Advisory Committee (the Committee) comprised of representatives of code enforcement personnel and construction industry professions affected by the provisions of the building and fire prevention regulations promulgated by the Board. Members of the Committee shall receive no compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in accordance with § [51505;46](#). The Committee shall advise the Board and the Director on policies, procedures, operations, and other matters pertinent to enhancing the delivery of training services provided by the Building Code Academy.
8. Establish general policies, procedures, and programs for the Virginia Housing Trust Fund established in Chapter 9 (§ [690474](#) et seq.).
  9. Determine the categories of housing programs, housing sponsors and persons and families of low and moderate income eligible to participate in grant or loan programs of the Virginia Housing Trust Fund and designate the proportion of such grants or loans to be made available in each category.
  10. Advise the Director of the Department on the program guidelines required to accomplish the policies and procedures of the Virginia Housing Trust Fund.
  11. Advise the Virginia Housing Development Authority and the Director of the Department on matters relating to the administration and management of loans and grants from the Virginia Housing Trust Fund.
  12. Establish the amount of the low-income housing credit, the terms and conditions for qualifying for such credit, and the terms and conditions for computing any credit recapture amount for the Virginia income tax return.

13. Serve in an advisory capacity to the Center for Housing Research established by § [5604681: =47](#).

14. Advise the Department in the development of the Consolidated Plan Strategy to guide and coordinate the housing programs of the Department, the Virginia Housing Development Authority, and other state agencies and instrumentalities.

15. Advise the Governor and the Department on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

16. Establish guidelines for the allocation of private activity bonds to local housing authorities in accordance with the provisions of the Private Activity Bonds program in Chapter 50 (§ [481508333](#) et seq.) of Title 15.2.

(1977, c. 613; 1978, c. 751; 1980, c. 107; 1981, c. 309; 1984, c. 720; 1986, c. 427; 1988, c. 687; 1989, c. 279; 1992, c. 754; 1993, c. 814; 2002, cc. [578](#), [794](#), [888](#); 2008, c. [778](#); 2010, c. [99](#); 2013, c. [.87](#).)

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§ 42.1-47. Grants for development of library service.

In order to provide state aid in the development of public library service throughout the Commonwealth, the Library Board, in this chapter sometimes called the Board, shall grant from such appropriations as are made for this purpose funds to provide library service.

(Code 1950, § 42-24; 1952, c. 494; 1970, c. 606.)

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§ 42.1-48. Grants to improve standards.

In order to encourage the maintenance and development of proper standards, including personnel standards, and the combination of libraries or library systems into larger and more economical units of service, grants of state aid from funds available shall be made by the Board to any free public library or library system which qualifies under the standards set by the Board. The grants to each qualifying library or system in each fiscal year shall be as follows:

(a) Forty cents of state aid for every dollar expended, or to be expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating or participating in the library or system. The grant to any county or city shall not exceed \$250,000;

(b) A per capita grant based on the population of the area served and the number of participating counties or cities: Thirty cents per capita for the first 600,000 persons to a library or system serving one city or county, and an additional ten cents per capita for the first 600,000 persons for each additional city or county served. Libraries or systems serving a population in excess of 600,000 shall receive ten cents per capita for the excess; and

(c) A grant of ten dollars per square mile of area served to every library or library system, and an additional grant of twenty dollars per square mile of area served to every library system serving more than one city or county.

The Board may establish procedures for the review and timely adjustment of such grants when the political subdivision or subdivisions operating such library or library system are affected by annexation.

(Code 1950, § 42-26; 1952, c. 494; 1958, c. 513; 1960, c. 234; 1970, c. 606; 1978, c. 565; 1989, c. 85; 1990, c. 48.)

§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.

Any county, city or town may, through its governing body, assess, as part of the costs incident to each civil action filed in the courts located within its boundaries, a sum not in excess of four dollars.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county, city or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, computer terminals for offsite placement to maximize access to the law library by the public, and (ii) equipment for the establishment, use and maintenance of a law library which shall be open for the use of the public at hours convenient to the public. 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 compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town which is the seat of the county government.

(Code 1950, § 42-19.4; 1964, c. 439; 1964, Ex. Sess., c. 26; 1966, c. 225; 1970, c. 606; 1972, c. 343; 1977, c. 397; 1981, c. 48; 1982, c. 607; 1983, cc. 309, 355; 1984, c. 16; 1985, c. 381; 1988, c. 571; 2009, c. [94](#).)

§ 46.2-1220. Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a city having a population of at least 100,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed city employees, or by uniformed personnel serving under contract with the city. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ [46.2-600](#) et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

(Code 1950, §§ 46-259, 46-259.1; 1958, c. 541, §§ 46.1-252, 46.1-252.1, 46.1-253; 1962, c. 121; 1966, c. 712; 1968, c. 583; 1975, c. 560; 1976, c. 74; 1978, cc. 182, 202, 424; 1985, c. 244; 1989, c. 727; 1990, cc. 121, 418; 1991, c. 372; 1992, c. 268; 1993, cc. 86, 125; 1994, cc. [218](#), [417](#); 1995, c. [144](#); 1996, c. [348](#); 1997, cc. [506](#), [780](#), [912](#); 1998, c. [545](#); 1999, c. [71](#); 2001, cc. [128](#), [141](#), [143](#), [156](#); 2002, cc. [48](#), [132](#), [266](#); 2003, cc. [32](#), [773](#); 2008, c. [193](#).)

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of \$10 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

(Code 1950, § 53-168.1; 1972, c. 135; 1982, c. 636; 1986, c. 568; 1988, c. 119; 1989, c. 571; 2002, cc. [533](#), [756](#); 2003, cc. [26](#), [44](#); 2004, cc. [390](#), [432](#); 2006, c. [495](#); 2007, c. [377](#).)

§ 58.1-1718. City or county probate tax.

In addition to the state tax and fee imposed by §§ [58.1-1712](#) and [58.1-1717.1](#), the governing body of any county and the council of any city may, as provided in § [58.1-3805](#), (i) impose a county or city tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration and (ii) charge a \$25 fee for the recordation of a list of heirs pursuant to § [64.2-509](#) or an affidavit pursuant to § [64.2-510](#), as provided in § [58.1-1717.1](#).

(Code 1950, § 58-67.1; 1960, c. 60; 1984, c. 675; 2010, c. [266](#).)

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§ 58.1-3314. Transfer and entry fees.

The fees for entering and transferring lands on commissioners' land books shall be as follows:

1. For making an entry and assessment under § [58.1-3308](#), one dollar for every parcel, to be paid by the owner;
2. For making an entry and assessment, when required by any owner, under the provisions of § [58.1-3290](#), one dollar and seventy-five cents and the parties among whom the land is divided shall be jointly and severally liable for such fee, unless the land is divided in a court proceeding, in which event the fee shall be paid by the plaintiff, or by such person or persons as the court may direct;
3. For making an entry transferring to one person lands before charged to another, one dollar, which shall be paid by the person to whom the transfer is made, and shall be a compensation for all tracts in the commissioner's county or city conveyed by the same deed; and
4. For an entry of land according to § [58.1-3352](#), one dollar, which shall be paid by the person for whom the entry is made.

(Code 1950, § 58-816; 1984, c. 675.)

§ 58.1-3915. Penalty for failure to pay taxes by December 5.

Except as otherwise provided by ordinance under § [8; 1406<49](#), any person failing to pay any county, town and city levies on or before December 5 shall incur a penalty thereon of five percent, which shall be added to the amount of taxes or levies due from such taxpayer, and which, when collected by the treasurer, shall be accounted for in his settlements. No penalty shall be imposed for failure to pay any tax if such failure was not the fault of the taxpayer.

(Code 1950, § 58-963; 1954, c. 277; 1973, c. 410; 1975, c. 234; 1984, c. 675.)

§ 58.1-3918. Interest on taxes not paid by following day.

Interest at the rate of ten percent per annum from the first day following the day such taxes are due shall be collected upon the principal and penalties of all taxes then remaining unpaid, which penalty and interest shall be collected and accounted for by the officers charged with the duty of collecting such taxes, along with the principal sum thereof. Interest at the same rate shall also be applied and paid to the taxpayer on overpayments due to erroneously assessed taxes to be paid to the taxpayer, provided that no interest shall be required to be paid on such refund if (i) the amount of the refund is ten dollars or less or (ii) the refund is the result of proration pursuant to § [8; 14 06 84 9](#). But this section shall not apply to local taxes in any county, city or town when the penalty or interest on such taxes is regulated by ordinance under § [8; 14 06 < 4 9](#).

(Code 1950, § 58-964; 1954, c. 277; 1973, c. 410; 1980, c. 663; 1982, c. 87; 1984, c. 675; 1999, c. [964](#); 2000, c. [83](#):.)

§ 58.1-3958. Payment of administrative costs, etc.

The governing body of any county, city or town may impose, upon each person chargeable with delinquent taxes or other delinquent charges, fees to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20 percent of the taxes or other charges so collected. The administrative costs shall be in addition to all penalties and interest, and shall not exceed \$30 for taxes or other charges collected subsequent to 30 or more days after notice of delinquent taxes or charges pursuant to § [8; 14 06<4<](#) but prior to the taking of any judgment with respect to such delinquent taxes or charges, and \$35 for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or 25 percent of the cost, whichever is less; however, in no event shall the fee be less than \$25.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § [8; 14 06<; 3](#), so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill that has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

(Code 1950, § 58-1020.1; 1982, c. 620; 1984, c. 675; 1991, c. 271; 1994, c. [<65](#); 1995, c. [6<8](#); 1997, c. [7<9](#); 1998, c. [97; i](#); 1999, c. [6; i<](#); 2000, cc. [6; i<](#), [786](#); 2003, c. [4:3](#).)

§ 58.1-814. City or county recordation tax.

In addition to the state recordation tax imposed by this chapter, the council of any city and the governing body of any county may, pursuant to Chapter 38 (§ [58.1-3800](#) et seq.) of this title, impose a city or county recordation tax in an amount equal to one-third of the amount of state recordation tax.

(Code 1950, § 58-65.1; 1958, c. 590; 1972, c. 186; 1984, c. 675.)

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§ 63.2-1248. Fees for home studies, investigations, visitations and reports.

Notwithstanding the provisions of § [17.1-275](#), the circuit court with jurisdiction over any adoption matter, or the person, agency, or child-placing agency that attempts to locate the birth family pursuant to § [63.2-1246](#) or subsection B of § [63.2-1247](#), or that attempts to locate the adult adoptee pursuant to subsection A of § [63.2-1247](#), shall assess a fee against the petitioner, or applicant and, in the case of local departments, shall assess such fee in accordance with regulations and fee schedules established by the Board, for home studies, investigations, visits and reports provided by the appropriate local department, person, or agency pursuant to §§ [20-160](#), [63.2-1208](#), [63.2-1212](#), [63.2-1231](#), [63.2-1238](#) or § [63.2-1246](#). The Board shall adopt regulations and fee schedules, which shall include (i) standards for determining the petitioner's or applicant's ability to pay and (ii) a scale of fees based on the petitioner's or applicant's income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be paid to the appropriate local department, person, or agency and a receipt therefor shall be provided to the circuit court, or to the Commissioner if pursuant to § [63.2-1246](#) or § [63.2-1247](#), prior to the acceptance of parental consent, entry of any final order, or release of identifying information by the Commissioner, and no court shall accept parental consent or enter any final order and the Commissioner shall not release any identifying information until proof of payment of such fees has been received.

(1987, c. 5, § 63.1-236.1; 1989, c. 214; 1990, cc. 101, 297; 1991, c. 600; 1992, c. 607; 1995, cc. [772](#), [826](#); 2000, c. [830](#), § 63.1-219.55; 2002, c. [747](#).)

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § [64.2-1305](#) with the local department of social services for the jurisdiction where the incapacitated person then resides. The report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § [64.2-1305](#).

B. The report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person;
2. A description of the person's living arrangements during the reported period;
3. The medical, educational, vocational, and other professional services provided to the person and the guardian's opinion as to the adequacy of the person's care;
4. A statement of the frequency and nature of the guardian's visits with and activities on behalf of the person;
5. A statement of whether the guardian agrees with the current treatment or habilitation plan;
6. A recommendation as to the need for continued guardianship, any recommended changes in the scope of the guardianship, and any other information useful in the opinion of the guardian; and
7. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify that the information contained in the report is true and correct to the best of his knowledge.

(1997, c. [921](#), § 37.1-137.2; 1998, c. [582](#); 2000, c. [198](#); 2003, c. [527](#); 2005, c. [716](#), § 37.2-1021; 2012, c. [614](#); 2013, c. [133](#).)

§ 66-15. Schedules of per diem cost of maintenance in detention homes; reimbursements of cities and counties.

The Department shall establish schedules setting forth the per diem cost to each locality for maintaining a child in a detention home. In accordance with the schedule, the Department, in addition to all other reimbursements on account of such detention homes, shall reimburse each city or county for the cost of maintaining in such homes any children committed to the Department. The Department shall review annually and adjust, if justified, the per diem it pays to localities for the care of state wards.

(Code 1950, §§ 53-326, 63.1-241, 63-293.1; 1954, c. 582; 1968, c. 578; 1974, cc. 44, 45; 1981, c. 487; 1982, c. 636, § 53.1-240; 1989, cc. 683, 733.)

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# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 289

*An Act to amend and reenact §§ 3, 5, 6, 7, 9, 11, 12 and 13-a of Chapter 76 of the Acts of Assembly of 1974 which created the Lynchburg Parking Authority, relating to definitions, membership, powers, bonds and competition.*

[H 1469]

Approved March 16, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3, 5, 6, 7, 9, 11, 12 and 13-a of Chapter 76 of the Acts of Assembly of 1974 are amended and reenacted as follows:**

§ 3. Definitions.

As used in this act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean the Authority created under the provisions of this act, or, if the Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

(b) The word "bonds" or the words "revenue bonds" shall mean revenue bonds, revenue refunding bonds or notes of the Authority issued under the provisions of this act.

(c) The word "cost" as applied to parking facilities or to extensions or additions thereto shall include the cost of construction or reconstruction, the cost of all labor, materials, machinery and equipment, the cost of all the lands, property, rights, easements and interests acquired by the Authority for such construction or reconstruction or the operation thereof, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, *the cost of issuance of bonds*, financing charges, interest prior to and during construction, and, if deemed advisable by the Authority, for one year after completion of construction, reasonable provision for working capital, cost of engineering and legal services, cost of plans and specifications, surveys and estimates of cost and of revenues, administrative expense and such other expenses as may be necessary or incident to such construction or reconstruction, the financing thereof and the placing of the parking facilities in operation. Any obligation or expense incurred by the Authority or by the organizing municipality prior to the issuance of bonds under the provisions of this act in connection with any of the foregoing items of cost may be regarded as a part of such cost.

(d) The words "governing body" shall mean the board, commission, council or other body by whatever name it may be known in which the general legislative powers of the municipality are vested.

(e) The word "municipality" shall mean the city of Lynchburg in the Commonwealth of Virginia.

(f) The words "parking facilities" shall mean and shall include lots, garages, parking terminals, or other facilities or structures for the off-street parking of motor vehicles, open to the public use for a fee, and may also include, but without limiting the generality of the foregoing, terminal facilities for trucks and busses, waiting rooms, lockers, and offices catering primarily to those using such parking facilities, and all facilities appurtenant thereto and all property, rights, easements and interests relating thereto which are deemed necessary for the construction or operation thereof; provided, however, the words "parking facilities" shall not mean or include the sale or dispensing of products used in or for the servicing of motor vehicles.

§ 5. Membership of the Authority.

The Authority organized under the provisions of this act shall consist of ~~five~~ *seven* members selected by the governing body of the organizing municipality who shall serve ~~for terms expiring one, two, three, four, and five years, respectively, from the date of appointment, the terms of such member to be designated by said governing body staggered five-year terms, and the initial terms for each director shall be five years or less to provide for staggered membership.~~ The successor of each member of the Authority shall be appointed for a term of five years but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and any member of the Authority may be reappointed.

Each member of the Authority before entering upon his duties shall take and subscribe an oath or affirmation to support the ~~Constitution~~ *Constitutions* of the United States and of the Commonwealth and to discharge faithfully the duties of his office and a record of each such oath shall be filed with the Secretary of the Authority.

The Authority shall select one of its members as Chairman and another as Vice-Chairman and shall also select a Secretary and a Treasurer who may but need not be members of the Authority. The offices of Secretary and Treasurer may be combined. The terms of office of the Chairman, Vice-Chairman, Secretary and Treasurer shall be as provided in the bylaws of the Authority.

A majority of the members of the Authority shall constitute a quorum and the affirmative vote of a

majority of all of the members of the Authority shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The members of the Authority shall serve without compensation but shall be reimbursed for the amount of actual expenses incurred by them in the performance of their duties.

#### § 6. General Grant of Powers.

The Authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each such Authority is hereby authorized and empowered:

- (a) to adopt bylaws for the regulation of its affairs and the conduct of its business;
- (b) to adopt an official seal and alter the same at pleasure;
- (c) to maintain an office at such place or places as it may designate;
- (d) to sue and be sued in its own name, plead and be impleaded;
- (e) to construct, reconstruct, equip, improve, extend, enlarge, maintain, repair and operate parking facilities within the corporate limits of the organizing municipality;
- (f) to issue revenue bonds of the Authority as hereinafter provided to pay the cost of such construction, reconstruction, equipment, improvement, extension or enlargement;
- (g) to issue revenue refunding bonds of the Authority as hereinafter provided;
- (h) to fix and revise from time to time and to charge and collect rates, rentals, fees and other charges for the services and facilities furnished by such parking facilities, and to establish and revise from time to time regulations in respect to the use, operation and occupancy of such parking facilities or part thereof;
- (i) to acquire in the name of the Authority by gift, or purchase, any lands or rights in lands and interest therein, and to acquire such personal property, as it may deem necessary in connection with the construction, reconstruction, improvement, extension, enlargement or operation of any parking facilities;
- (j) to lease (*as lessor or lessee*) all or any part of such parking facilities upon such terms and conditions and for such term of years as it may deem advisable to carry out the provisions of this act; provided, however, that no enterprise involving the sale or dispensation of any product or commodity used in or for the servicing of motor vehicles shall be conducted on any space thereon;
- (k) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any revenue bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys and such employees and agents as may, in the judgment of the Authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act; and
- (l) to do all acts and things necessary or convenient to carry out the powers granted by this act.

#### § 7. Revenue Bonds.

The Authority is hereby authorized to issue at one time or from time to time, revenue bonds of the Authority for the purpose of paying the cost of constructing, reconstructing, equipping, improving, extending or enlarging any one or more parking facilities. The bonds of each issue shall be dated, shall mature at such time or times not exceeding forty years from their date or dates and shall bear interest at such rate or rates as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, ~~including any interest coupons to be attached thereto,~~ and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds ~~or coupons~~ shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. *Any bond may bear the facsimile signature of, or may be signed by, the person who at the actual time of the execution of the bond is the proper officer to sign the bond although at the date of the bond the person may not have been such officer. When all signatures on bonds are facsimiles, the bonds shall be authenticated by an agent appointed by the Authority or in such manner as the Authority may provide.* Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of this Commonwealth. The bonds may be issued in ~~coupon or registered form or both,~~ as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest *as the Authority may determine.* The Authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the Authority.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds

shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

The resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the Authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, ~~with or without coupons~~, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau or agency of the Commonwealth of Virginia or of any political subdivision, and without any other proceedings or the happening of other conditions or things than those proceedings, conditions or things which are specifically required by this act.

Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the Commonwealth or of any municipality or other political subdivision of the Commonwealth, or a pledge of the faith and credit of the Commonwealth or of any municipality or other political subdivision, but such bonds shall be payable solely from the funds herein provided therefor and a statement to that effect shall be recited on the face of the bonds.

#### § 9. Trust Agreement.

In the discretion of the Authority, each or any issue of revenue bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the ~~State~~ *Commonwealth*. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received. In connection with the issuance of such bonds or in order to secure the payment thereof, the Authority shall have power under such agreement to mortgage all or any part of its property, real or personal then owned or thereafter acquired, to vest in the trustee thereunder the right to foreclose such mortgage and to provide the terms and conditions upon which such trustee or the holders of bonds or any proportion thereof may exercise the right of foreclosure. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the construction, reconstruction, equipment, improvement, maintenance, repair, operation and insurance of any parking facilities, the fixing and revising of rates, rentals, fees and charges, and the custody, safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such construction, reconstruction, improvement, maintenance and operation. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustees, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the Authority may deem reasonable and proper for the security of the bondholders. Except as in this act otherwise provided, the Authority may provide for the payment of the proceeds of the sale of bonds and the revenues of any parking facilities or part thereof to such officer, board ~~of~~ *or* depository as it may designate for the custody thereof, and for the method of disbursements thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

All pledges of revenues under the provisions of this act shall be valid and binding from the time when such pledge is made. All such revenues so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledges without any physical delivery thereof *or filing with respect thereto* or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof.

#### § 11. Remedies.

Any holder of revenue bonds issued under the provisions of this act ~~or of any of the coupons appertaining thereto~~, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and

enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of rates, rentals, fees and charges for the use of or for the services and facilities furnished by any parking facilities.

§ 12. Exemption from Taxation.

As adequate off-street parking facilities are essential to the health, safety and general welfare of the public, and as the exercise of the powers conferred by this act to effect such purposes constitute the performance of essential municipal functions, and as parking facilities constructed under the provisions of this act constitute the performance of essential municipal functions, and as parking facilities constructed under the provisions of this act constitute public property and are used for municipal purposes, the Authority shall not be required to pay any taxes or assessments upon any such parking facilities or any part thereof, or upon the income therefrom, and any bonds issued under the provisions of this act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation ~~within~~ *by the Commonwealth or by any political subdivision thereof.*

§ 13-a. Competing Parking Facilities.

So long as any bonds issued under the provisions of this act are outstanding, the municipality shall not construct, operate or maintain any parking facilities, other than such parking facilities as may be operated or maintained by the municipality on the date of passage by the municipality of a resolution organizing the Authority, which competes with parking facilities of the Authority. *The prohibition against competing parking facilities shall not apply to parking facilities that are constructed as part of a municipal building or facility.*