

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY VIRGINIA, HELD IN THE COUNTY ADMINISTRATION BUILDING, 150 SOUTH MAIN STREET LEXINGTON, VIRGINIA, ON MONDAY, JULY 8, 2013, AT 5:30 P.M.

PRESENT: CHAIRMAN R.R.CAMPBELL
MEMBERS: J.M.HIGGINS, R.S.FORD, D.W.HINTY, JR., A.W.LEWIS, JR
CLERK TO BOARD: SPENCER H. SUTER
COUNTY ATTORNEY: VICKIE L. HUFFMAN
FISCAL DIRECTOR: STEVEN BOLSTER
STAFF: SAM CRICKENBERGER, HANK LEECH, JEREMY GARRETT, FRED DUDLEY, BRANDY WHITTEN

Call to Order

Chairman Campbell called the meeting to order at 5:30 p.m.

Supervisor Lewis delivered the invocation and led in the Pledge of Allegiance.

Recognitions/Presentations

Chairman Campbell called for recognitions and presentations. There were none.

Citizen Comments

Chairman Campbell called for citizen comments. There were none.

Items to be added to the Agenda

Chairman Campbell called for items to be added to the Agenda. There were none.

Approval of June 24, 2013 and June 26, 2013 Minutes

Supervisor Lewis moved to adopt the June 24, 2013 minutes as well as the June 26, 2013 Minutes. A second was provided by Supervisor Ford, and approved by the following roll call vote:

AYES: Lewis, Ford, Higgins, Hinty, Campbell
NAYES: None
ABSENT: None

Financial Report, Approval of Appropriations and Payment of Bills

Director of Finance Steven Bolster reviewed his monthly memorandum to the Board. Activities for the Commissioner of the Revenue included: printing supplemental tax books for 2011/12 Personal Property and 2013 Real Estate; continue work on the 2013 Personal Property tax book; and completed summons on Business Licenses not paid in March 2013.

Supervisor Lewis asked Mr. Bolster to explain what the Business License summons was.

Mr. Bolster explained that the summons was just for the Commissioner's office, not a summons to court.

Director of Community Development Sam Crickenberger noted that recently, many business owners had come in to get caught up on their taxes in order to receive their Business License.

Mr. Bolster then listed the Activities of the Treasurer, which included: preparing FYE 2012-13 report on delinquent taxes (he noted that Ms. Trovato would report on this at the August 12th Board meeting); and forwarding a list of canines not tagged during FY 2012-13 to the Sheriff's Department for law-enforcement action.

Mr. Bolster presented the FY13 Revenues vs. Expenditures chart, explaining that Revenues exceeded Expenditures by \$2,143. He noted that he would provide an end-of-year fiscal report at the August 12th Board Meeting.

Mr. Bolster then presented the County Appropriation Resolution. He added two items: the first item in the amount of \$1,086.25 for a combined invoice between the Building Inspector and Erosion and Sediment Control Departments; the second item in the amount of \$26,605.67 for an invoice to Dynamic Construction for DSL and Fiber network cabinet installation. This was associated with the BTOP project.

Supervisor Lewis made a motion to accept the County Appropriation Resolution as amended following the addition of the two invoices listed above. A second was provided by Supervisor Hinty.

Chairman Campbell asked for Board discussion.

Supervisor Higgins asked when RANA would be repaying the County for startup loans that ensure sufficient operational cash to bridge the gap between the startup and when RANA begins to generate revenue.

County Administrator Spencer Suter responded that the County would be repaid once RANA begins to make a profit. He noted that the two start-up loans were combined into one agreement and the RANA Board is currently reviewing the agreement.

Supervisor Hinty asked if there was an estimate time the County should receive payments on the loan.

Mr. Suter stated that, at this time, there is no estimated timeline over which the County would be repaid. He then explained that the Board had previously approved lending to RANA and that this was the combined

appropriation.

Supervisor Lewis asked if the agreement is acceptable by staff.

Mr. Suter stated that the County had revised and submitted the agreement to RANA; therefore, County staff is supportive of the agreement.

Following Board discussion, the roll call vote is as follows:

AYES: Lewis, Ford, Campbell
NAYES: Hinty, Higgins
ABSENT: None

The following has been amended, executed, and recorded:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY,
VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE BUILDING,
150 SOUTH MAIN STREET, LEXINGTON, VIRGINIA,
ON MONDAY, JULY 8, 2013, AT 5:30 P.M.

On motion by Supervisor Ford, seconded by Supervisor Hinty, the Board, by record vote, adopted the following appropriation resolutions and payment of bills for the month as follows:

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

4-11-12040-3002 Contracted Services.....	\$15,100.00
4-11-81090-3006 Greenhouse Village Grant.....	\$840.00
4-11-81090-5697 RANA-Ops 2nd Startup Pmt.....	\$66,000.00
4-11-99010-6192 Transfer to Lined Landfill.....	\$428.00
Total General Fund Appropriations	\$82,368.00

APPROPRIATION RESOLUTION

BE IT RESOLVED: By the Board of Supervisors of Rockbridge County, Virginia, that the following appropriation/s are, and the same hereby is made, for the period ending **June 30, 2014**, from the UNAPPROPRIATED SURPLUS of the **SWA/LANDFILL FUND** and expended as follows:

4-19-19050-3006 Seeding/Mowing/Erosion Control..... \$626.00
4-19-19070-7001 Construction-Lined Landfill..... \$428.00

Total SWA/Landfill Fund Appropriations **\$1,054.00**

Total Appropriations **\$83,422.00**

Current County

11 - General Fund \$545,071.78
19 - SWA/Landfill \$34,284.11
20 - SWA/Recycling \$19987.93
94 - Central Stores \$2,805.51

Total County Bills **\$602,149.33**

Current Fiscal Agent

22 - RANA \$126,856.85
80 - Regional Jail \$59,540.94
87 - Comm Atty Forfeitures \$156.00
93 - CSA Administration \$351.96

Total Fiscal Agent **\$186,905.75**

TOTAL ALL BILLS **\$789,055.08**

RECORDED VOTE:

AYES: Ford, Lewis, Campbell
NAYS: Hinty, Higgins
ABSTAIN: None
ABSENT: None

Ronnie R. Campbell
Chairman

Attest: _____
Spencer H. Suter
County Administrator

Approval Request for FY13-14 BTOP/RANA Stipends

Mr. Bolster explained that these stipends would pay County staff for assisting with the BTOP project until December 2013. He noted that this was very similar to the stipends given to staff last year.

Supervisor Lewis asked Mr. Bolster if he was aware that Scott Robertson had begun work for RANA.

Mr. Bolster confirmed that he was aware of Mr. Robertson's assisting RANA, but that County staff would still be providing administrative support on the BTOP project.

Supervisor Lewis made the motion to accept the RANA stipends as presented. Supervisor Ford seconded the motion.

Supervisor Higgins questioned if the County would become RANA's Fiscal Agent.

Mr. Suter stated that the County is not RANA's Fiscal Agent and that RANA is operating as an independent agency.

The RANA stipends were approved by the following roll call vote:

AYES: Lewis, Ford, Higgins, Hinty, Campbell
NAYES: None
ABSENT: None

The following had been executed and recorded:

MEMORANDUM

TO: The Honorable Board of Supervisors

FROM: Director of Fiscal Services

SUBJECT: FY 2013-14 BTOP/RANA stipends (County employees)

In accordance with the Concurrent Resolution for the Rockbridge Broadband Initiative Project adopted August 22, 2011, a balance of the 1% Administrative Fee collected by the County from our municipal partners is used as reimbursement for dedicated staff time for administration of the Broadband Technology Opportunities Project (BTOP). The County paid stipends to select County employees for the additional workload associated with the project and grant management: a total of \$6,500.00 in FY11-12 and \$5,755.00 in FY12-13.

The BTOP construction project is now scheduled for completion in September 2013. I estimate County personnel will continue to administratively support the project through December 2013. The table below reflects the individuals and amounts requested for approval in FY13-14 (the months of July to December 2013).

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE
 COUNTY, VIRGINIA, HELD AT THE COUNTY ADMINISTRATIVE OFFICE, 150 S. MAIN
 STREET, LEXINGTON, VIRGINIA, ON MONDAY, JULY
 8, 2013 AT 5:30 P.M.

On a motion of Supervisor Lewis, with a second by Supervisor Ford, the Board approved payment of FY13-14 BTOP/RANA stipends to the individuals listed and the amounts totaled in the table below.

RECORDED VOTE:

AYES: Lewis, Ford, Higgins, Hinty, Campbell
 NAYS: None
 ABSENT: None
 ABSENT: None

Totals: July-December 2013

Name	Amount (\$)
Dan Grim	\$1,000.00
Julie Whitesell	\$750.00
Amy Milliner	\$250.00
Total	\$2,000.00

 Ronnie R. Campbell
 Chairman

Attest: _____
 Spencer H. Suter
 County Administrator

Convene Solid Waste Authority

Consideration of Landfill Engineering Proposal Recommendation

Chairman Campbell convened the Solid Waste Authority at 4:45 p.m.

Mr. Suter explained that the Solid Waste Authority had solicited proposals for ongoing landfill engineering services. Proposals were due on June 17th by 4:00 p.m., at which time two proposals, one from Draper Aden and Associates and the other from SCS Engineers, were opened and read aloud. Mr. Suter further explained that the Solid Waste Committee and staff interviewed both firms on June 28th. Following the interviews, the Solid Waste Committee ranked Draper Aden and Associates first and SCS Engineers second.

The recommendation brought forth was for the Board to review the ranking matrix and to authorize the County Administrator to enter into negotiations with Draper Aden Associates and, should an agreement be reached, to bring a final draft contract back to the Board for authorization to enter into the contract.

Supervisor Higgins thanked the Solid Waste Committee and staff for their work and moved to authorize the County Administrator to enter into negotiations with Draper Aden and Associates. A second was provided by Supervisor Hinty, and the motion was approved by the following roll call vote:

AYES: Higgins, Hinty, Ford, Lewis, Campbell

NAYES: None

ABSENT: None

Chairman Campbell closed the Solid Waste Authority and reconvened in Board session at 5:48 p.m.

Consideration of Buena Vista Dumpster/Recycling Termination Agreement

Mr. Suter briefed the Board on details of the current Dumpster Use Agreement, stating that since the year 2000 the County and Buena Vista have been under an agreement that allowed Buena Vista residents to utilize three County collection sites: Route 501, Boat Locks, and outside the Landfill gate. Mr. Suter explained that, under the agreement, the City of Buena Vista paid the County \$23,400 annually for the use of those sites. He further explained that the County is then responsible for costs associated with hauling the waste from these sites to the Landfill and disposal costs. The agreement also provided for a plan for creation of a recycling center in the City of Buena Vista. The joint-recycling center never materialized. Mr. Suter explained that initially, the current action was driven by receipt of a letter by Buena Vista City Manager Jay Scudder that requested termination from the agreement beginning January 1, 2013. As staff considered that request, it became apparent that a lot of work was necessary to prepare for the exit of that agreement, including an overhaul of the Solid Waste section of the County Code. He further explained that termination of this agreement will impact Buena Vista City residents as well as County residents. Following the termination of the agreement, the plan will be as follows:

- 1) Provide advance public notice of the change, via the media and signs posted at impacted sites.
- 2) Close the 501 collection site at the end of July.
- 3) Move the containers currently sited just outside the landfill gates into the landfill complex at the end of July. The site will be manned in a fashion similar to existing, staffed collection centers, approximately 47 hours per week, and would require the addition of two part time staff.
- 4) Beginning in August, extend Saturday landfill hours from noon until 3:30 PM, to help ensure that the public has additional opportunities to utilize the landfill on the weekend, since dumping in containers located outside the gate will no longer be an option.

Mr. Suter noted that he has prepared a press release that would be sent to the press the very next day should the Board approve this agreement. He requested authorization by the Board to execute the Termination Agreement.

Supervisor Higgins shared his concern of operational hours for Saturdays, stating that it should be made known that from morning until noon, all waste is accepted; however, from noon until 3:30 p.m., only household trash is accepted. Mr. Suter noted that over the next five months, a Solid Waste study would be completed and that depending on the outcome, many additional changes may be necessary. He stated that signage will be very important.

Supervisor Lewis asked if yard wastes, such as branches and brush, could be dumped at County collection centers.

Mr. Garrett answered that yard waste is currently accepted only at certain staffed sites, including Glasgow and Greenhouse Road. He noted that Fairfield had accepted brush on-and-off over the course of time.

Supervisor Lewis agreed with Mr. Suter's statement that signage is going to be very important.

Mr. Garrett advised that signage is currently being worked on.

In response to a question by Supervisor Ford, Mr. Garrett confirmed that Buena Vista City residents would still be able to use the residential collection site at the Landfill after termination of the agreement.

Referencing conditions which he had personally seen that morning at the Timber Ridge site, Supervisor Higgins asked that enough dumpsters be kept on site at each collection center to hold all waste and to prevent overflowing.

Supervisor Hinty stated that elimination of the 501 site may need to be revisited should there become a problem with litter following its closure. He also suggested that the dumpster sites should be kept nice in appearance.

Supervisor Higgins moved to approve the Termination Agreement and to extend the Saturday operational hours for the collection center at the landfill until 3:30 p.m., beginning in August. Supervisor Lewis provided the second, and the motion carried by the following roll call vote:

AYES: Higgins, Lewis, Ford, Higgins, Campbell
NAYES: None
ABSENT: None

Public Hearing

Solid Waste Ordinance

Mr. Garrett explained that, for several months, the Solid Waste Committee and staff had been working to over-haul existing Health and Sanitation ordinance. He stated that this update to the Code was driven by the request from the Buena Vista City Manager to terminate the existing collection center and recycling agreement. He explained that the committee and staff spent a fair amount of time focusing on definitions and additional restrictions with regards to what constitute permissible and non-permissible waste types and clarifying that the staffed and unstaffed collection centers are to be used exclusively by County citizens. He further noted that after initial review on June 24, 2013, the intent to amend the code was published in two consecutive editions of the News Gazette. He explained that, to date, County staff had received a couple of questions from concerned citizens regarding permit requirements for recycling and that no such requirements exist in the proposed code. He stated that it should be noted that the Solid Waste Committee and staff continues to work on a comprehensive Solid Waste Plan, with the intent to provide a full Board report in December 2013, which could result in additional recommendations for Code amendments.

County Attorney Vickie Huffman advised that new state legislation has been adopted requiring permits for scrap metal dealers. She noted that the legislation is self executing, does not require local action, and is administered by the Sheriff's Department. She stated that this new legislation has no relation to the Solid Waste Ordinance. It would appear that the citizen questions Mr. Garrett had received were in response to published news items relating to this new state code.

Chairman Campbell opened the public hearing at 6:09 p.m. There were no public comments; therefore, Chairman Campbell closed the public hearing.

Supervisor Higgins moved adoption of the Solid Waste Ordinance, seconded by Supervisor Ford, and the ordinance was adopted by the following roll call vote:

AYES: Higgins, Ford, Lewis, Hinty, Campbell
NAYES: None
ABSENT: None

The following has been executed and filed in the Office of the Clerk to the Board:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROCKBRIDGE COUNTY, VIRGINIA, HELD AT THE ROCKBRIDGE COUNTY ADMINISTRATIVE OFFICES ON MONDAY, JULY 8, 2013

An Ordinance To Amend The Rockbridge County Code By Repealing Article II – Garbage, Trash and Refuse, in Chapter 16 – Health And Sanitation, in its Entirety, and to Create A New Chapter 23 – Solid Waste, Article II – Garbage, Trash And Refuse, With New Provisions To Address Proper and Lawful Solid Waste Disposal at the County Landfill and in Containers/Green Boxes in the County, Including Acceptance of Only Residential and Limited Farm Waste in Containers and Specification of Prohibited Types of Waste, and to Establish Violation and Penalties for Failure to Comply, and Article III - Junk Motor Vehicle Demolition, Holding And Salvage, Moved to Chapter 23 With No Substantive Change

BE IT ENACTED by the Rockbridge County Board of Supervisors that:

1. Article II – Garbage, Trash and Refuse, in Chapter 16 – Health and Sanitation is hereby repealed in its entirety, and a new Chapter 23 – Solid Waste is hereby enacted and adopted as follows:

ROCKBRIDGE COUNTY CODE

Chapter 23

SOLID WASTE

- Art. I. Reserved, §§23-1--23-20**
- Art. II. Garbage, Trash and Refuse, §§23-21--23-100**
 - Div. 1. Generally, §§23-21--23-30
 - Div. 2. Sanitary Landfill, §§23-31--23-50
 - Div. 3. Solid Waste Containers, §§23-51--23-70
 - Div. 4. Violations; Penalties, §§23-71--23-100
- Art. III. Junk Motor Vehicle Demolition, Holding And Salvage, §§23-101 – 23-108

ARTICLE I. Reserved.

ARTICLE II. GARBAGE, TRASH AND REFUSE

DIVISION 1. GENERALLY

Sec. 23-21. Purpose.

The provisions of this are intended by the County to ensure that solid waste disposal is handled in a manner that protects the environment, maintains safe, healthy and attractive conditions in the County, and provides efficient cost-effective services to its citizens.

Sec. 23-22. Definitions.

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

Approved receiving center shall mean any solid waste collection site that has been approved and posted for the receipt of a particular type of material or waste that is otherwise prohibited. A listing of all such sites will be maintained by the Director of Solid Waste and Transportation.

Business shall mean any individual or group providing a paid good or service either for- or not- for-profit. Examples of business include but are not limited to: building contractors, retail operations, churches, restaurants, and commercial operations.

Container shall mean any receptacle, including dumpsters and green boxes, either public and/or private, used for the storage or movement of any waste or material bound for the Landfill.

County-operated waste disposal facility shall mean any County-operated solid waste collection site that has been approved and posted for the receipt of a particular type of material or waste. A listing of all such facilities and site-specific approved materials for disposal will be maintained by the Director of Solid Waste and Transportation.

County-owned containers shall mean containers which are owned or leased for use at County-operated waste disposal facilities.

Entity shall mean any person, firm, association, partnership, company, limited liability company, corporation, or any other group or organization.

Farm waste shall mean solid waste which is generated via general farming / agricultural operations. Examples include hay twine, packaging materials and feed sacks or bags. Such waste should be bagged for purposes of containment and the meaning of which shall not be construed to include any items listed in section 23-51 (f).

Hazardous waste shall mean a hazardous waste as defined in the Virginia Waste Management Act, §§ 10.1-1400 – 10.1-1457, in Title 10.1 – Conservation, of the Code of Virginia (1950, as amended), and any state or local regulations adopted and in effect pursuant thereto, and/or under federal law, as any or all may be from time to time amended, including but not limited to any waste or material that has one or more of the following characteristics: ignitability, corrosivity, toxicity or reactivity, or contains any of the above-stated characteristics in any concentration as part of a waste mixture.

Household hazardous waste shall mean any hazardous waste or material that originates from the private home of a resident.

Household hazardous waste day shall describe an annual event sponsored by the County to provide an approved and safe method of disposing of residential household hazardous waste.

Household waste shall mean solid waste or material that originates from the private home of a resident, comprised of garbage and rubbish which should be bagged for purposes of containment and the meaning of which shall not be construed to include any items listed in section 23-51 (f).

Industrial waste shall mean any waste or material that is produced by industrial activity, such as that of factories, mills and mines.

Infectious waste or medical waste shall mean any waste or material that is considered to be capable of producing an infectious disease, or if it has been or may have been contaminated by an organism that may be pathogenic to humans, is not routinely and freely available to the community, and has a significant probability of being present in significant quantities and with significant virulence to transmit disease. Infectious waste or medical waste or material includes but is not limited to:

- (1) Quarantine material;
- (2) Discarded cultures, stocks, specimens, vaccines;
- (3) Blood, blood products;
- (4) Pathological material;
- (5) Sharp objects including hypodermic needles, syringes, scalpel blades, pasteur pipettes, broken glass;
- (6) Any residue or contaminated soil, water or other debris resulting from the cleaning of a spill of any infectious material;
- (7) Regulated medical waste so defined by the Regulated Medical Waste Management Regulations (9VAC20-120) as promulgated by the Virginia Waste Management Board, or successor agency; and/or
- (8) Any waste contaminated by or mixed with infectious or medical waste or material.

Landfill shall mean the solid waste disposal facility located at 231 Landfill Road in the County, owned by the Solid Waste Authority and designated as the Rockbridge County Landfill.

Nonresident shall include any person or entity not having a place of abode in the County, or not having a place of business in and properly licensed by the County.

Non-staffed collection center shall mean any County-operated waste receiving facility that is not staffed by a County employee during all operational hours.

Posted shall mean signage for public notification at any County-operated waste disposal facility or on any County-owned container, which indicates its proper use and any use restrictions.

Private collection contractors shall include any for-profit business or individual that engages in the pickup or hauling of solid waste materials for others.

Privately owned containers shall mean containers which are not County-owned containers, the contents of which are bound for the Landfill.

Resident shall include any individual, person or family having a place of abode in the County, exclusive of the cities of Lexington and Buena Vista. Such term shall not include any association, corporation, partnership, firm, business, or other entity.

Staffed collection center shall mean any County operated waste-receiving facility, with posted hours, which is staffed by one or more county employees during such hours. A current listing of staffed collection centers will be maintained in the office of the Director of Solid Waste and Transportation.

Solid Waste Authority (SWA) shall mean the Rockbridge County Solid Waste Authority, as described in Chapter 2, Article VI, Division 4 of this Code.

Source separated materials shall mean any materials which have been pre-sorted and grouped such that all dissimilar material has been extracted prior to disposal; the aggregate shall be of uniform type and composition.

White goods shall mean appliances, of any color or material, including but not limited to refrigerators, washers, dryers, stoves, ovens, water heaters, and/or water tanks.

Woody debris shall mean any naturally produced brush or other woody material. This definition will be limited as follows:

- (1) All woody debris must be free of chemical treatment.
- (2) All woody debris must be separated from other waste and free of metal.
- (3) Brush and other natural woody debris cannot exceed 8" in diameter.
- (4) Stumps with root balls must be free of dirt and not exceed the 8" diameter.

23-23--23-30. Reserved.

DIVISION 2. SANITARY LANDFILL

Sec. 23-31. Hours of operation.

Hours of operation for the Landfill will be set by the SWA. The schedule of operating hours shall be maintained at the Landfill scalehouse and in the Office of the Director of Solid Waste and Transportation.

Sec. 23-32. Charges.

All of the following will be invoiced at the then-current rates for disposal of waste at the Landfill:

- (a) Commercial establishments.
- (b) Private collectors and contract haulers.
- (c) Contractors.
- (d) Industrial users.
- (e) Business users.
- (f) Nonresidents.

A list of current rates for different types of materials/waste, which will include but may not be limited to those described in section 23-51, will be maintained in the Landfill scalehouse and in the Office of the Director of Solid Waste and Transportation.

Sec. 23-33. Disposal of certain items.

(a) Woody debris will be accepted at the Landfill and at approved, staffed collection centers, provided that the center is posted for acceptance of woody debris. In the event that a mixed load containing woody debris is delivered and accepted at the Landfill, the customer will be invoiced for the full weight of the load, at the highest rate for the types of waste in the container.

(b) Tires will only be accepted for disposal at the Landfill and shall not be mixed with other waste.

(c) White goods will only be accepted at the Landfill and at the County's staffed collection centers, as posted.

(d) Dead animals will only be accepted at the Landfill during hours of operation.

(e) Except as otherwise specifically provided for in this article, the following waste or materials will not be accepted at the Landfill or at any County-operated waste receiving facility:

- (i) Liquids
- (ii) Hazardous
- (iii) Infectious or medical
- (iv) Batteries
- (v) Oil-based paint
- (vi) Explosives

(f) The County will sponsor at least one annual household hazardous waste day to be utilized by county residents.

Secs. 23-34--23-50. Reserved.

DIVISION 3. SOLID WASTE CONTAINERS

Sec. 23-51. Use of containers.

(a) County-owned containers are provided for use by Rockbridge County residents to dispose of household waste and farm waste only; all other uses are strictly prohibited.

(b) Every resident of the County shall have the privilege, subject to the terms and conditions stated herein, to utilize such county-owned containers, as may from time to time, at the discretion of the County, be sited for the purpose of solid waste disposal.

(c) Private collection contractors are expressly prohibited from using the county-owned containers for solid waste disposal.

(d) It shall be unlawful for any nonresident to place any material or waste of any type in or around county-owned containers; provided, however, that nonresidents who own real property in the County shall be permitted to use County-owned containers to dispose of household or farm waste generated on their property in the County.

(e) It shall be unlawful to place any liquid, hazardous, or infectious or medical waste or material, of any kind, in any container.

(f) Except as otherwise specifically provided in this article or posted on a specific container, it shall be unlawful to place the items listed below in any County-owned containers:

- (1) Tires
- (2) Scrap metal or car parts
- (3) Woody debris
- (4) Building or construction materials
- (5) Animals of any kind
- (6) Liquids, including but not limited to gasoline, kerosene, or waste oil
- (7) Explosives
- (8) Ashes
- (9) Furniture, white goods, or other bulky items
- (10) Dirt, rocks, rubble or manure
- (11) Fence posts, fencing wire or wire of any description
- (12) Hazardous waste
- (13) Infectious or medical waste
- (14) CRT (Cathode Ray Tube) monitors
- (15) Fluorescent bulbs
- (16) Batteries
- (17) Oil-based paint

Sec. 23-52. Use of Containers at Staffed Collection Centers.

All containers at staffed collection centers are subject to the restrictions set forth in Section 23-51, with the exception of the following allowable uses and exceptions:

(a) Containers at staffed collection centers shall only be used during posted hours of operation by County residents and all posted rules and regulations for the collection center must be adhered to at all times. It shall be unlawful, in violation of Section 23-71 of this article, to dump or place any waste or material in or around collection centers during off-hours.

(b) Some staffed collection centers may be provided with containers for recycling of source separated materials. A list of such sites will be maintained in the office of the Director of Solid Waste and Transportation. It shall be unlawful for any person to place other waste or materials in any container designated for recycling of a specific source separated material except as specified.

(c) Woody debris and white goods may be disposed of in designated containers that are approved and posted, provided that the materials otherwise meet all the requirements provided in this article.

Sec. 23-53. Privately Owned Containers.

All privately owned containers are subject to the restrictions set forth in Section 23-51, with the exception of the following allowable source-separated materials:

- (1) Tires
- (2) Scrap metal or car parts
- (3) Woody debris
- (4) Building materials
- (5) Animals of any kind
- (6) Furniture, white goods, or other bulky items
- (7) Dirt, rocks, rubble;

any of which will be accepted as a mixed load, except tires and white goods which shall be source-separated. In the event that a mixed load is delivered and accepted at the Landfill, the customer will be invoiced for the full weight of the load, at the highest rate for the types of waste in the container.

Any containers with waste or materials prohibited under Section 23-51, and not in compliance with the exception in this section, shall be refused at the scale and will not be accepted in the Landfill. In the event that the contents of containers with prohibited waste or materials are accepted at the Landfill without knowledge of the prohibited contents, the responsible party, which may be the private collection contractor or original owner of the prohibited waste or materials, shall be liable to the SWA for the cost of cleaning up and mitigating the environmental damage associated with such disposal.

Secs. 23-54--23-70. Reserved.

DIVISION 4. VIOLATIONS; PENALTIES

Sec. 23-71. Dumping trash, etc. on highway, right-of-way or public or private property; penalty.*

(a) It shall be unlawful for any person or other entity to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of way, property adjacent to such highway or right-of-way, except as specifically authorized by this article for solid

waste disposal in containers provided for such purpose and in accordance with posted rules and regulations.

(b) It shall be unlawful for any person or other entity to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter on private property without the written consent of the owner thereof or his agent.

(c) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of §46.2-936 of the Code of Virginia (1950, as amended) in making such arrest.

(d) When a violation of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

(e) Any person or other entity convicted of a violation of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both.

(f) Upon conviction of any person or other entity for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway.

Sec. 23-72. Violations of article; penalty.

(a) It shall be unlawful for any person or any other entity to destroy, damage, deface or set fire to any public or private container for disposal of solid waste or recyclables located in the county or to any county-operated waste disposal facility.

(b) It shall be unlawful for any person or other entity, not specifically authorized by the board of supervisors or the SWA, to take or scavenge items from County-owned containers or from any county-operated waste disposal facility.

(c) It shall be unlawful for any person or other entity to violate any of the provisions of this article.

(d) Any person or other entity violating any provisions of this section, except as otherwise more specifically provided in this division, shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine not less than the sum of fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00); upon the second and all subsequent offenses which result in a conviction, punishment shall be a fine not less than the sum of one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and by confinement in jail not to exceed the term of thirty (30) days, either or both. Moreover, upon conviction for a violation of this section, the General District Court of Rockbridge County, Virginia, may, in lieu of the aforementioned penalties, require the defendant to volunteer his services for such period of time as the court may designate to remove litter from various locations in the county. All violations of this division shall be enforced by proceedings before the aforesaid court in the manner and with the like right of appeal as provided in misdemeanor cases, and the sheriff or one of his duly authorized deputies is hereby authorized to issue summons to violators of this section for his appearance before said court. Each subsection herein, if violated, constitutes a separate offense hereunder.

Sec. 23-73. Improper disposal of tires; exemption; penalty.

(a) For the purposes of this section:

"Convenience center" means a collection point for the temporary storage of waste tires provided for individuals who choose to transport waste tires generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point shall not receive waste tires from collection vehicles that have collected waste from more than one real property owner. A convenience center shall have a system of regularly scheduled collections and may be covered or uncovered.

"Speculatively accumulated waste tires" means any waste tires that are accumulated before being used, reused, or reclaimed or in anticipation of potential use, reuse, or reclamation. Waste tires are not being accumulated speculatively when at least 75 percent of the waste tires accumulated are being removed from the site annually.

(b) No person shall knowingly store, dump, litter, dispose of, speculatively accumulate or otherwise place more than 100 waste tires on public or private property in the county, nor shall any person knowingly allow others to do so on his property, without first having obtained a permit as required by Code of Virginia §10.1-1408.1.

(c) Any person who knowingly violates any provision of this section shall be guilty of a Class 1 misdemeanor. However, any person who knowingly violates any provision of this section and such violation involves 500 or more waste tires shall be guilty of a Class 6 felony.

(d) Salvage yards licensed by the Department of Motor Vehicles shall be exempt from this section, provided that they are holding fewer than 300 waste tires and that the waste tires do not pose a hazard or a nuisance or present a threat to human health and the environment.

(e) As used in this section, "store" and "otherwise place" shall not be construed to mean the holding of fewer than 500 tires for bona fide uses related to the growing, harvesting or processing of agricultural or forest products.

(f) The provisions of this section shall not apply to the (i) storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated, or (ii) storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

(g) The provisions of this section shall not apply to the storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

(h) Nothing in this section shall limit enforcement of the prohibitions against littering and the improper disposal of solid waste contained elsewhere in this chapter.

State law reference-- Authority for adoption of similar ordinance, Code of Virginia §§10.1-1418.2.

Sec. 23-74. Litter receptacles; placement; penalty for violations.

Any person owning or operating any establishment or public place in which litter receptacles are required to be placed and maintained, according to state or county regulations, who fails to place and maintain litter receptacles on the premises in the design, number and manner required by said regulations, shall be subject to a fine of twenty-five dollars (\$25.00) for each day of violation.

State law reference-- Authority for adoption of similar ordinance, Code of Virginia §§10.1-1419, 10.1-1422.

Secs. 23-75—23-100. Reserved.

ARTICLE III.

JUNK MOTOR VEHICLE DEMOLITION, HOLDING AND SALVAGE*

Sec. 23-101. Definitions.

(a) **Motor Vehicle Demolisher** means any person whose business is to crush, flatten or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle. Such motor vehicle demolisher shall be a licensed DMV demolisher. The motor vehicle demolisher's crusher must have a fluid recovery system.

(b) **Wrecked/Abandoned Vehicle Holding Yard** means a parcel or lot upon which not more than thirty (30) abandoned or wrecked vehicles are stored while awaiting proper authorization for disposal.

(c) **Automobile/Motor Vehicle Graveyard** means any lot or place which is exposed to the weather and upon which more than five (5) inoperable motor vehicles of any kind, which would not be economically practical to make operable, are placed, located or found, including licensed automobile repair and towing facilities, e.g., body shops, garages, and service stations. In no event shall any automobile/motor vehicle graveyard contain more than nine (9) inoperable motor vehicles of any kind as defined herein; and if so, such operator must become licensed as a wrecked/abandoned vehicle holding yard or junkyard/automobile motor vehicle salvage yard operator/dealer.

(d) **Junkyard/Automobile Motor Vehicle Salvage Yard** means a lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
(Ord. of 1-22-92(1), §2; Ord. of 9-26-94, §II(A))

Sec. 23-102. Vehicle Crushing/Demolition Regulations.

(a) Any qualified motor vehicle demolisher licensed by the Department of Motor Vehicles (“DMV”) has authority to crush and dispose of abandoned or junk motor vehicles throughout the County as long as that crusher has obtained a permit therefor from the County Administrator or his designee (Administrator) and complies fully with the provisions herein. It shall be unlawful for any person or entity to crush, flatten or otherwise compact any motor vehicle without obtaining said permit in accordance with these provisions. This section shall not affect those property owners or occupants who have current conditional use permits to operate motor vehicle junk yards, which permits allow motor vehicle crushing operations at the permit locations.

(b) Any motor vehicle demolisher who desires to crush abandoned or junk motor vehicles (and dispose of them) throughout the County must first obtain a permit from the Administrator for each location from which the crusher desires to conduct such activity. Before obtaining a permit, the crusher must provide the Administrator with evidence of approval from the landowner or lessee to enter upon the property upon whose land the motor vehicle demolisher intends to conduct demolition activities. Said permits shall state at a minimum the location of the property, the landowner’s/occupant’s name(s), and the date(s) the operation is to be conducted.

Upon the satisfaction of the Administrator that the motor vehicle demolisher can conduct the activity in compliance with this Division, and upon the motor vehicle demolisher’s signature on the permit that he/she will comply fully with the terms and conditions hereof, a permit shall be issued to each motor vehicle demolisher for each location (location being each different address or parcel of property) in which the crushing and demolition activity shall take place. Upon completion of activities at each location, the permitted motor vehicle demolisher must report back to the Administrator that said activities are complete and must sign the necessary DMV forms at such times as the County requires so that the County may obtain State reimbursement. The motor vehicle demolisher must obtain a separate permit for each additional location in which it desires to conduct crushing work.

No demolisher shall conduct any demolition activities unless and until the County Special Enforcement Officer or his designee is present at the location of said activities, and the Officer and/or his designee shall continuously monitor the operations of each crusher at each location. The Officer and/or his designee shall have the authority to shut down the operation at anytime that he determines that the demolition operations are being performed in violation of this Division.

(c) No vehicle shall be tipped, overturned or rolled before removing the battery and all fluids, or sealing all fluid reservoirs.

(d) If the engine or transmission is to be removed from a vehicle before crushing, all fluid systems must be drained before removal in such a manner as to prevent spillage.

(e) The motor vehicle demolisher’s crushing machine must have a fluid recovery system. The system must be kept clean, unobstructed and operating properly at all times, and a sheet of four (4) millimeter sheeting shall be placed under the recovery system to prevent soil contamination. The motor vehicle demolisher shall have a written Hazardous Waste Spill Contingency Plan on file with the county and shall have some type of absorbent material on hand to be used in case of an accidental spill.

(f) The motor vehicle demolisher shall remove gas tanks before crushing and the contents of the tanks shall be transferred to a suitable container in such a manner as to prevent spillage.

(g) Coolant shall be removed from both the radiator and engine block before crushing in such a manner as to prevent spillage.

(h) Oil shall be removed from the engine before demolition and transferred to a suitable container in such a manner as to prevent spillage.

(i) Batteries shall be removed before demolition.

(j) Any freon in the vehicle must be recycled before demolition in conformance with applicable federal, state and local regulations and laws.

(k) The demolisher must keep records of the transportation and transfer of all liquids removed from the vehicles. Such records shall be open to inspection by County, state, and federal officials during normal business hours.

(l) Any and all liquids (such as antifreeze, oils, gases, diesel fuel, etc.) lost from the automobile or crushing equipment to the ground shall be removed in full from the soil immediately and disposed of in conformance with applicable federal, state and local regulations and laws.

(m) After crushing, all vehicles and parts thereof shall be removed from the property and disposed of by the motor vehicle demolisher according to applicable laws. All reasonable precautions shall be taken to prevent soil contamination from demolished vehicles before their removal from the property.

(n) Each motor vehicle demolisher shall comply fully with all applicable federal, state and local regulations and laws.
(Ord. of 9-26-94, §II(B))

Sec. 23-103. Holding Yard Regulations.

(a) All vehicles brought into a holding yard shall be immediately inspected for fluid leaks. If leaks are found, measures shall be taken to stop such leaks or otherwise prevent fluids from contaminating the soil.

(b) Vehicles will be stored either inside an enclosed building or at a location screened from adjoining properties and public roads. Screening shall be completed within ninety (90) days after issuance of the conditional use permit, in accordance with Code of Virginia, 1950, §33.1-348, as amended. Failure to complete screening shall constitute a violation of this Division.

(c) There shall be no more than thirty (30) vehicles stored at a vehicle holding yard at any given time.

(d) Stored vehicles will be removed to a crusher or otherwise disposed of in a lawful manner within thirty (30) days after the holding yard owner/operator receives legal authority to dispose of the vehicles.

(e) No crushing or salvaging operations shall be conducted at holding yard facilities.

(f) The holding yard owner/operator shall keep records of the date on which each vehicle entered and left the facility, the vehicle identification number, and the vehicle description. These records shall be open to inspection by County officials during normal business hours. Records shall be kept on file for a period of two (2) years after disposal of the vehicle.

- (g) Holding yard facilities shall comply with all federal, state and local regulations and laws.
- (h) The County has the right to inspect holding yard facilities during business hours.
- (i) Holding yard facilities will be permitted as conditional uses in the Agricultural-General (A-2), Business (B-1) and Industrial (I-1) zoning districts. County, state, and federal lands are exempt from this Division.

(Ord. of 1-22-92(1), §3; Ord. of 9-26-94, §II(C))

Sec. 23-104. Automobile Graveyard, Junkyard, Salvage Yard Regulations.

(a) All vehicles brought into an “Automobile/Motor Vehicle Graveyard” or a “Junkyard/Automobile Salvage Yard” shall be immediately inspected for fluid leaks. If leaks are found, measures shall be taken to stop such leaks or otherwise prevent fluids from contaminating the soil. Gasoline, diesel fuel and freon shall be removed from the motor vehicles to prevent soil contamination.

(b) Any accidental spillage of vehicular fluids that takes place on the graveyard or salvage yard will be cleaned up immediately upon discovery in conformance with local, state, and federal regulations and laws.

(c) The operator shall have a written Hazardous Waste Spill Contingency Plan as per the specimen provided by the County.

(d) Immediately after crushing, the vehicle will be placed or stored in such a manner as to prevent any fluids from escaping to the ground.

(e) No more than two hundred (200) tires may be kept on the premises at one time, except those on the automobiles or in an enclosed building.

(f) Batteries shall be stored separately within a well ventilated, roofed area, in such a manner as to prevent leakage onto the ground.

(g) Automobile/Motor Vehicle Graveyards and Junkyard/Motor Vehicle Salvage Yards will be permitted as conditional uses in the Agricultural General (A-2), Business (B-1), and Industrial (I-1) zoning districts. County owned or leased property, and state and federal lands are exempt from this Division.

(Ord. of 1-22-92(2), §3; Ord. of 9-26-94, §II(D))

Sec. 23-105. Screening Regulations.

The County hereby adopts and incorporates herein by reference the state law provisions regarding screening set forth at Code of Virginia, §33.1-348.

(Ord. of 9-26-94, §II(E))

Sec. 23-106. Inoperable Vehicle/Licensing Regulations.

(a) For purposes of this division, “motor vehicle” means any motor vehicle, trailer or semitrailer. For purposes of this division, “inoperable” means the same as “inoperable” defined at Code of Virginia §15.2-904: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. For any motor vehicle that cannot be started and moved by the owner or occupant upon request, or that the owner or occupant refuses to start and move upon request, by any law enforcement or special enforcement officer, there shall be a rebuttable presumption that such motor vehicle is not in operating condition.
(Amended by Ord. of 2-23-09, effective on and from the date of its adoption)

(b) In accordance with Code of Virginia §15.2-904, the owner(s) of property, or one occupying the same, located in all zoning districts shall remove therefrom all inoperable motor vehicles that are not kept within a fully enclosed building or structure, covered by a custom or commercially made car covering, specifically excluding a tarp, or otherwise screened or shielded from view from roads, rights-of-way, and adjoining properties.

(c) In the event that an owner of property, or one occupying property, fails to remove the inoperable vehicle(s) located thereon, or otherwise screen said vehicle from view in accordance with subparagraph (b) above, within 14 days of receipt of written notice, in addition to the penalties set forth in Section 23-107, the County may remove any such vehicles in accordance with Code of Virginia §15.2-904. Any non-reimbursable costs of removal shall be chargeable to the owner of the vehicle and shall be collected as taxes and levies are collected. Such costs shall constitute a lien against the property from which the vehicle was removed.
(Amended by Ord. of 2-23-09, effective on and from the date of its adoption)

Sec. 23-106.1. Exemptions.

(a) The provisions of §23-106 shall not apply to a duly state licensed dealer or operator for an automobile graveyard, junkyard, salvage yard, holding yard or to those that are grandfathered (in existence before May 13, 1971) or that have an approved conditional use permit issued by the County. In addition, the provisions of §23-106 shall not apply to the operator of any holding yard, for which and to the extent that the state does not issue licenses, provided that the holding yard was in existence and operating prior to January 1, 1995, and provided that the operator has continuously operated the holding yard, has continuously held an annual business license, and has remained current in the payment of all business license taxes in the County since prior to January 1, 1995.

Notwithstanding any provisions to the contrary contained in any County ordinance, any person, corporation, business, or other entity operating a junkyard, automobile graveyard, salvage yard and/or holding yard shall have and maintain any valid and required state or county license for said operations. In the event any required state or county license is not obtained, or is suspended, revoked or otherwise not renewed, the operations shall be deemed to be in violation of County law and said operator shall cease such operations immediately.

(b) The provisions of §23-106 shall not apply to one (1) inoperable motor vehicle used for advertising or business-recognition purposes at a business site on property in a General Business District (B-1),

a Planned Business District (B-2) or General Industrial District (I-1) within the Tourism Corridor Overlay District, all as designated on the Official Rockbridge County Zoning Map and defined in Article 6 – Uses in Districts of the Rockbridge County Land Development Regulations; provided, however, that the location and appearance of such vehicle shall be subject to review and approval of the Tourism Corridor Overlay Review Board (TCO Review Board) in accordance with the provisions of Section 611.00 of the Rockbridge County Land Development Regulations, as applicable, and subject to the following additional conditions:

- (1) The review fee for an application to the TCO Review Board under this section shall be \$30.00.
- (2) An applicant may apply for review of such inoperable vehicle at an existing business or in conjunction with site plan approval for a new business development. The provisions of §23-106 shall be stayed for an existing inoperable motor vehicle while the review process is pending.
- (3) Such vehicle shall not be approved with lettering, signage or a logo. Nothing in this subsection shall be construed to exempt such vehicle from the regulation of Signs, as provided in §706, et seq., of the County Land Development Regulations.
- (4) In addition to consideration of the purpose and intent of the TCO District as set forth in Section 611.01 of the Land Development Regulations, the TCO Review Board will consider whether the inoperable vehicle would have an appropriate connection to the business and would represent a common business theme that would enhance the business for advertising or business-recognition purposes.
- (5) In the event that an existing inoperable vehicle for advertising or business-recognition purposes is not approved under Section 611.00 by the TCO Review Board or on appeal as provided therein, the applicant shall be notified and the provisions of §23-106 shall be applicable thirty (30) days from the date of a final determination under Section 611.00 of the Land Development Regulations.
- (6) If approved, the TCO Board shall issue a separate Certificate of Appropriateness for the subject inoperable vehicle, which shall remain in effect so long as the applicant continues to operate the business for which the vehicle is approved and maintains a current valid business license in the County. The Certificate of Appropriateness shall automatically expire on the date of the earliest of any of the following circumstances: the applicant sells, ceases or abandons the business; the County business license is not current and valid, by reason of non-payment of taxes or otherwise, or is revoked or terminated, whether voluntarily or involuntarily; or the property is sold or transferred to a new owner(s).
- (7) In the event of expiration of the Certificate of Appropriateness, the inoperable vehicle shall lose its exemption after a period of six (6) months and the provisions of §23-106 shall apply; subject, however, to the right of the property owner to apply to the TCO Review Board for an extension up to an additional six (6) months.

- (8) Any inoperable motor vehicle, for which a Certificate of Appropriateness has been issued and continues in effect, shall be maintained in substantially the same condition, appearance, and location as approved by the TCO Review Board. Failure to maintain the inoperable vehicle to the standard initially approved by the TCO Board shall be enforceable by the Zoning Administrator as a zoning violation under the Land Development Regulations. In addition, the Zoning Administrator shall be authorized to initiate a proceeding and public hearing before the Board of Supervisors for revocation of the Certificate of Appropriateness upon failure to bring the inoperable vehicle into compliance after no less than three (3) notices to comply and no less than sixty (60) days from the date of the first notice or summons pursuant to Article 11 of the Land Development Regulations. In the event of revocation of the Certificate of Appropriateness, the inoperable motor vehicle shall lose its exemption after a period of **fourteen (14) days from the date of the revocation decision and the provisions of §23-106 above shall apply.**

(Addition (b) (1-8) to Code by Ord. of 2-23-09, effective on and from the date of adoption)

Sec. 23-107. Penalty.

(a) Civil Penalties.

- (1) For each initial violation of this Division, a written notice of violation shall be issued to the violator, who shall be allowed fourteen (14) days for compliance.
(Amended by Ord. of 2-23-09, effective on and from the date of adoption)
- (2) Upon failure to comply within 14 days, the first violation shall be subject to a civil penalty in the amount of \$100.
(Amended by Ord. of 2-23-09, effective on and from the date of adoption)
- (3) The civil penalty for subsequent violations shall be \$250.
- (4) Each day during which the violation is found to have existed shall constitute a separate offense; provided, however, that specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period.
- (5) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$5,000.

(b) Criminal Penalties.

In the event three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, a subsequent violation shall constitute a Class 3 misdemeanor; and civil penalties shall not thereafter apply for the same violation.

Sec. 23-108. Effective Date.

The provisions of this Article became effective January 1, 1995, in Chapter 16 – Health and Sanitation.
(Ord. of 9-26-94, §II(H))

2. This Ordinance shall be effective on and from the date of its adoption.

Adopted this 8th day of July, 2013.

Recorded Vote:

AYES: Higgins, Ford, Lewis, Hinty, Campbell

NAYES: None

ABSENT: None

ROCKBRIDGE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman

Attest: _____
Spencer H. Suter, Clerk

Report on the Vesuvius Community Center

GIS Technician Hank Leech provided a presentation on the Vesuvius Community Center (VCC) which included the following information: Chairman Campbell was approached by citizens of the Vesuvius community, who suggested that the Board of Supervisors take possession of the community center; the County's current use of the facility is as a polling place ; the facility was built in the 1950s; it has a small kitchen and one small

bathroom and is handicapped accessible. The heating expense estimates annually run between \$1400-\$2000, and insurance is just under \$1000 annually.

Mr. Suter reiterated that this facility is used as one of the polling places for the County and that the building can be rented for special events for \$75. He noted that items to be considered are the heating costs, insurance costs, maintenance costs and future capital upgrade costs. Other soft costs are associated with paying staff to maintain the facility and to schedule events. However, he noted that the Board could realize the profit should the County agree to sell the property in the future.

Supervisor Higgins indicated that the County has a tight budget this year and that next year's budget will be even tighter and that, should the Board agree to maintain the facility, owners of other community centers might begin asking the County to do the same for them. He stated his opinion that the County does not and likely will not have funds to maintain the facility, but that he certainly appreciated the offer.

Supervisor Lewis concurred with Supervisor Higgins.

Supervisor Ford concurred with Supervisor Higgins as well.

Supervisor Lewis thanked Mr. Leech for his efforts on gathering the needed information in order to present such a report on the facility.

Chairman Campbell noted that Mr. Leech's presentation was very thorough. Mr. Suter added that Mr. Leech's initial draft was very good and required very little editing, and thanked Mr. Leech for the excellent work.

Supervisor Hinty concurred with Supervisors Higgins, Lewis, and Ford in regards to having too tight of a budget to move forward at this time.

Ordinance- Chapter 25- List of Heirs recording fees

Ms. Huffman explained that Bruce Patterson, Circuit Court Clerk, requested that the Board consider adoption of an Ordinance to impose a \$25 fee for recordation of a list of heirs or an affidavit relating to real estate of an intestate decedent. She advised that the State Code has authorized the \$25 fee since 2010, but the Clerk had only recently realized that the Ordinance requires local action. She noted that the same section of the State Code authorizes the locality to impose a county 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 such will or grant of administration. She advised that the amount collected would have to exceed \$11,000 in order for this additional tax to be imposed. She requested scheduling a public hearing on the ordinance for July 22nd after advising the Board that the proposed ordinance only includes the \$25 recording fee.

Supervisor Hinty asked for another explanation of the two fees.

Ms. Huffman further explained that State Code has authorized two fees. One is a \$25 for recording a list of heirs or a real estate affidavit. She explained that the fee is expected to generate around \$250-\$300 per year. The second state fee that has been authorized is for probates of wills or grants of administration.

Supervisor Lewis moved to schedule a public hearing for July 22, 2013 . A second was provided by Supervisor Ford and the motion was approved by the following roll call vote:

AYES: Lewis, Ford, Higgins, Hinty, Campbell
NAYES: None
ABSENT: None

Appointments

Tourism Corridor Overlay Board (TCO)- Anne Russek's term expires 7/8/13

Supervisor Hinty moved to appoint Mr. J.D. Goad to the TCO Board, seconded by Supervisor Ford, and unanimously approved by the following roll call vote:

AYES: Hinty, Ford, Higgins, Lewis, Campbell
NAYES: None
ABSENT: None

Staff Reports

Supervisor Lewis moved to accept the staff reports as presented, seconded by Supervisor Higgins, and unanimously approved by the following roll call vote:

AYES: Lewis, Higgins, Ford, Hinty, Campbell
NAYES: None
ABSENT: None

Adjourn

On a motion by Supervisor Hinty, second by Supervisor Higgins, the meeting was adjourned by the following roll call vote:

AYES: Hinty, Higgins, Ford, Lewis, Campbell
NAYES: None
ABSENT: None