

MEMORANDUM

To: Frank Rogers, County Administrator FJR

From: F.E. “Tripp” Isenhour, III, County Attorney

Subject: AGENDA ITEM – Public Hearing – Code Update

Date: July 18, 2023

BACKGROUND:

Semi-annually the Board of Supervisors updates the Code of Campbell County with mandated changes that result from action of the General Assembly and discretionary changes that are initiated by either the Board or staff during the year.

DISCUSSION:

Some of the proposed amendments to the County Code for the regular summer update are mandated changes to mirror state law changes that were effective July 1. Others are discretionary changes requested by staff or are minor amendments clarifying certain aspects of the Code. The drafts of the proposed updates for this Summer’s Code update were reviewed by the Board at its June business meeting, and authorized to be published for a public hearing at the August business meeting. The amended text for all chapters has been available electronically with a paper copy available in the County Administrator’s Office. The summary of all changes is attached to this memorandum. The proposed changes to Chapters 21 and 22 of the County Code will be reviewed by the Planning Commission at a public hearing on July 24, 2023. Many chapters of the Code have been revised pursuant to a State Code change altering the language used to describe individuals with disabilities, which changes have been mirrored in the County Code.

RECOMMENDATION:

Staff recommends that the Board review the Code changes and conduct the required public hearing. After receiving public input concerning the proposed changes, staff requests that the Board take action to adopt those changes to the County Code as the Board believes to be appropriate.

2023 Summer Update of Campbell County Code of 1988
Summary of Proposed Amendments

CHAPTER 1 – General Provisions.

No substantive changes.

CHAPTER 2 – Administration.

§2-25 New section, added language requiring bonds for indefinite delivery contracts; **mandatory; pursuant to change in statute by General Assembly.**

CHAPTER 3 – Amusements.

No substantive changes.

CHAPTER 4 – Animals and Fowl.

§4-13.1 Clarifies that the local health director or his designee shall be granted access to any dog or cat seized under suspicion of rabies infection; **mandatory; pursuant to change in statute by General Assembly.**

CHAPTER 5 – Buildings.

No substantive changes.

CHAPTER 6 – Cemeteries.

No substantive changes.

CHAPTER 7 – Elections.

No substantive changes.

CHAPTER 8 – Erosion/Sedimentation, Stormwater Management.

§8-2 Adds a farm building or structure to the list of projects that may be completed using an agreement in lieu of a stormwater plan; adds definition for exempted small construction activities; **mandatory; pursuant to change in statute by General Assembly.**

CHAPTER 9 – Finance and Taxation.

- §9-1.4 Added new section 9-1.4 to define the method of applying for a local tax exemption; **discretionary; process was previously directed by and uncodified Board policy containing application deadlines inconsistent with twice a year tax collection, the new section codifies the policy with revised deadlines.**
- §9-7.1:1 Added a definition of “Real estate devoted to agricultural use”, “Real estate devoted to horticultural use, and clarified that noxious weeds or woody growth shall not be the sole basis for the denial of land use taxation; **mandatory; pursuant to change in statute by General Assembly.**
- §9-7.2 Added an exemption to allow for continued land use taxation despite termination of compensation under the state or federal soil and water conservation program; **mandatory; pursuant to change in statute by General Assembly.**
- §9-14.01 Added motor vehicles used primarily for agricultural purposes and privately owned agricultural trailers, and farm machinery and implements to the list of exempt property; **mandatory; pursuant to change in statute by General Assembly.**
- 9-14.4(E) Added new section allowing for a 100 percent service-related disability veteran, or the veteran’s surviving spouse, to apply for a prospective tax exemption prior to purchasing a new primary residence; **mandatory; pursuant to change in statute by General Assembly.**
- 9-19 Clarified that the room charge is the basis of transient occupancy taxation; **discretionary; pursuant to staff effort to modernize the Transient Occupancy Tax section of the County Code.**
- 9-22 Clarified and strengthened reporting, collection, and enforcement of transient occupancy taxation; **discretionary; pursuant to staff effort to modernize the Transient Occupancy Tax section of the County Code.**

CHAPTER 10 – Public Safety

- 10-8.1 Added a new section to designate primary response area for volunteer fire agencies; **mandatory; pursuant to change in statute by General Assembly.**
- 10-21 Added provisions concerning the qualification of a Fire Marshal and his police powers, allows retired law enforcement officers to qualify without further re-qualification training; **mandatory; pursuant to change in statute by General Assembly.**

- 10-62.1 Added a new section to designate primary response area for volunteer EMS agencies; **mandatory; pursuant to change in statute by General Assembly.**
- 10-100 Added a new section to allow for the declaration of curfews by the Sheriff in cases of emergent need; **discretionary; adoption of new authority in statute by General Assembly.**
- 10-101 Added a new section to allow for the declaration of curfews by the Sheriff in cases of emergent need; **discretionary; adoption of new authority in statute by General Assembly.**
- 10-102 Added a new section to allow for the declaration of curfews by the Sheriff in cases of emergent need; **discretionary; adoption of new authority in statute by General Assembly.**

CHAPTER 11 – Floodplain Management

No substantive changes.

CHAPTER 12 – Garbage, Refuse and Weeds.

No substantive changes.

CHAPTER 13 – Health and Sanitation.

No substantive changes.

CHAPTER 14 – Licenses and Permits.

- 14-3 Clarifies the information needed on business license bills; **mandatory; pursuant to change in statute by General Assembly.**

CHAPTER 15 – Motor Vehicles

- 15-33 Added language to allow for the County Code officer to remove vehicles from the roadway; **discretionary; adoption of new authority in statute by General Assembly.**

CHAPTER 16 – Offenses, Miscellaneous

- 16-11.3 Clarifies what constitutes a telephone call with the intent to harass or hinder emergency personnel, on which devices and through what medium the crime can be committed; **mandatory; pursuant to change in statute by General Assembly.**

16-11.3 Added new code section 18.2-461.1 (false communication to emergency personnel) to the list of crimes for which the locality may charge for emergency response; **discretionary**; adoption of new authority in statute by General Assembly.

CHAPTER 17 - Personnel

No substantive changes.

CHAPTER 18 - Utilities

No substantive changes – language regarding individuals with disabilities was updated.

CHAPTER 20 – Cable Television

No substantive changes.

CHAPTER 21 – Subdivision of Land

§21-8.1:2 [Definitions] Conforms the language of the County code to the current extension language used in State code; **mandatory**; pursuant to change in statute by General Assembly.

CHAPTER 22 – Zoning

§22-2(B)(2) [Definitions] Defines Accessory Dwelling Unit; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-2(B)(3) [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory**; pursuant to change in statute by General Assembly.

§22-2(B)(5) [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory**; pursuant to change in statute by General Assembly.

§22-2(B)(123) [Definitions] Revises definition of Rooming House to include detached dwelling units located on the same parcel of the primary structure; **discretionary**; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.

§22-4.1 Conforms the language of the County code to the current language for advertising plans and ordinance changes; **mandatory**; pursuant to change in statute by General Assembly.

- §22-9 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.**
- §22-10 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.**
- §22-11 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, reduces setbacks; **discretionary; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.**
- §22-16 Allows one Accessory Dwelling Unit by right, allows a Rooming House by right, allows Tourist House by right for parcels of twenty-five acres, fifty feet from the roadway, and two hundred fifty feet from property line, reduces setbacks; **discretionary; pursuant to discussion from Board work session on zoning and joint session between Board of Supervisors and Planning Commission.**
- §22-17 [Definitions] Conforms the language of the County code to the current language for persons with disabilities used in State code; **mandatory; pursuant to change in statute by General Assembly.**
- §22-36 Deleted outdated language concerning stale permits.
- §22-37 Conforms the language of the County code to the current language for advertising plans and ordinance changes; **mandatory; pursuant to change in statute by General Assembly.**