



MEMORANDUM

TO: Public Works Committee
FROM: Joe C. Wilder, Director of Public Works *JCW*
SUBJECT: Meeting of May 29, 2018
DATE: May 23, 2018

There will be a meeting of the Public Works Committee on Tuesday, May 29, 2018 at 8:00 a.m. **in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200.** The agenda thus far is as follows:

1. Update on the new Stephenson Citizen Convenience Site. (Replacement for the Clearbrook site)
2. Update on the disposition of the Old Frederick County Middle School.
3. Discuss/update on the Landfill Oversight Committee Meeting held on Thursday, May 24, 2018.
4. Discussion regarding an ordinance for lifetime dog tags.
(Attachment 1)
5. Discussion on a draft ordinance regarding payment of taxes to obtain building permits.
(Attachment 2)
6. Update on the Frederick County Esther Boyd Animal Shelter Training Facility design.
7. Miscellaneous Reports:
 - a. Tonnage Report: Landfill
(Attachment 3)
 - b. Recycling Report
(Attachment 4)
 - c. Animal Shelter Dog Report:
(Attachment 5)
 - d. Animal Shelter Cat Report
(Attachment 6)

JCW/kco

Attachments: as stated



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail: rwillia@fcva.us

MEMORANDUM

TO: Public Works Committee

FROM: Roderick B. Williams
County Attorney

DATE: May 16, 2018

RE: County Code, Chapter 48 (Animals and Fowl), Article I (Dog Licensing; Rabies Control), Section 48-18 (License Taxes) – Lifetime Licensing of Dogs

Per legislation enacted by the 2017 Session of the General Assembly, 2017 Acts of Assembly, Chapters 559 and 567, localities may, effective July 1, 2017, provide for lifetime licensing of dogs. Attached are copies of the enabling legislation and of a draft ordinance, for the Committee's consideration, that would amend the County Code to make such provision. The draft also would permit zero cost lifetime tags for dogs adopted from the County Shelter. The intent of the proposed ordinance is to reduce the administrative burden of the County's current dog licensing system and to encourage adoptions from the Shelter. If the Committee is favorably disposed to the draft ordinance, a recommendation to approve and to forward to the Code & Ordinance Committee would be appropriate.

Attachments

cc: Public Works Department
Animal Shelter
Sheriff's Office
Treasurer's Office

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 559

An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.

[H 1477]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6527. How to obtain license.

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of § 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt of proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the ~~year~~ years for which issued, the serial number of the tag, whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for ~~herein~~ in § 3.2-6526. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county or city and appoint agents for the collection of the license tax and issuance of such licenses.

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$1 and not more than \$10 for each year *or \$50 for a lifetime license issued pursuant to subsection B of § 3.2-6530*. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a *an annual* license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

As used in this section, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

~~B.~~ Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

§ 18.2-403.3. Offenses involving animals — Class 4 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 4 misdemeanor:

1. Violation of § 3.2-6566 pertaining to interference of agents charged with preventing cruelty to animals.
2. Violation of § 3.2-6573 pertaining to shooting pigeons.
3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C* of § 3.2-6530 ~~before February 1 for the year in which~~ *within one month after the date when it is due*. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 567

An Act to amend and reenact §§ 3.2-6527, 3.2-6528, 3.2-6530, 3.2-6532, and 18.2-403.3 of the Code of Virginia, relating to dogs and cats; lifetime licenses.

[S 856]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

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No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person.

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§ 3.2-6530. When license tax payable.

A. The license tax as prescribed in § 3.2-6528 is due not later than 30 days after a dog or cat has reached the age of four months, or not later than 30 days after an owner acquires a dog or cat four months of age or older, and each year thereafter.

~~B.~~ Licensing periods for individual dogs and cats may be equal to and may run concurrently with the rabies vaccination effective period.

B. The governing body of a county or city may by ordinance provide for a lifetime dog or cat license. Such a license shall be valid only as long as the animal's owner resides in the issuing locality and the animal's rabies vaccination is kept current.

C. Any kennel license tax prescribed pursuant to § 3.2-6528 shall be due on January 1 and not later than January 31 of each year.

§ 3.2-6532. Duplicate license tags.

If a dog or cat license tag is lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag that the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall

endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog or cat shall ~~be~~ *not exceed* \$1.

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3. Violation of § 3.2-6554 pertaining to disposing of the body of a dead companion animal.
4. Violation of ordinances passed pursuant to §§ 3.2-6522 and 3.2-6525 pertaining to rabid dogs and preventing the spread of rabies and the running at large of vicious dogs.
5. Violation of an ordinance passed pursuant to § 3.2-6539 requiring dogs to be on a leash.
6. Failure by any person to secure and exhibit the permits required by § 29.1-422 pertaining to field trails, night trails and foxhounds.
7. Diseased dogs. — For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.
8. License application. — For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
9. License tax. — For any dog or cat owner to fail to pay any license tax required by *subsection A or C* of § 3.2-6530 ~~before February 1 for the year in which~~ *within one month after the date when it is due*. In addition, the court may order confiscation and the proper disposition of the dog or cat.
10. Concealing a dog or cat. — For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
11. Removing collar and tag. — For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
12. Violation of § 3.2-6503 pertaining to care of animals by owner.



ORDINANCE
_____, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 48-18 (License Taxes) of Article I (Dog Licensing; Rabies Control) of Chapter 48 (Animals and Fowl) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strikethrough~~ and additions are shown in **bold underline**):

§ 48-18. License taxes.

- A. License periods for individual dogs shall be equal to and run concurrently with the rabies vaccination effective period for that respective dog. **Notwithstanding the foregoing, pursuant to Va. Code § 3.2-6530(B), a person may apply for a lifetime license for his or her dog. Lifetime licenses are not transferrable between dogs, and are not transferrable to other localities.** Any person who applies for a license tag for a neutered or spayed dog shall present, at the time of application, certification from a licensed veterinarian attesting to the neutering or spaying of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on male or female dogs. Kennel licenses are only sold for a one-year period and shall be due on January 1 and not later than January 31 of each year. Inspections by animal control may be required before the issuance of a kennel license.
- B. License taxes shall be in the **following** amounts~~s~~-of:

	Spayed or Neutered	Not Spayed or Neutered
<u>One dog – for January 1 to December 31 or vaccination period of 12 months or less</u>	\$5.00	\$10.00
Vaccination period of 36 months or less	\$10.00	\$20.00
<u>One dog – for lifetime of dog – for dogs adopted from the Frederick County Animal Shelter</u>	<u>Free</u>	<u>Free</u>
<u>One dog – for lifetime of dog – for all other dogs</u>	<u>\$10.00</u>	<u>\$15.00</u>
<u>Multi-dog license – for January 1 to December 31:</u>		
20 multi-dog license		\$30.00
50 multi-dog license		\$50.00

Enacted this _____ day of _____, 2018.

Charles S. DeHaven, Jr., Chairman _____

Gary A. Lofton _____

J. Douglas McCarthy _____

Robert W. Wells _____

Blaine P. Dunn _____

Shannon G. Trout _____

Judith McCann-Slaughter _____

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail: rwillia@fcva.us

MEMORANDUM

TO: Public Works Committee

FROM: Roderick B. Williams
County Attorney

DATE: May 16, 2018

RE: County Code, Chapter 52 (Building Construction), Section 52-5 (Issuance of Permits) and Chapter 143 (Stormwater/Erosion and Sediment Control), Section 143-194 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit) – Ordinance to require payment of delinquent real estate taxes before issuance of certain building permits

Section 15.2-2286(B) of the Code of Virginia permits a locality to require that any delinquent real estate taxes and any other charges that constitute a lien on a property, that are owed to the locality, and that have been properly assessed against the subject property, be paid before the locality accepts an application for a building permit or stormwater/erosion and sediment control permit for the property. A copy of Section 15.2-2286 is attached for reference.

Attached is a proposed ordinance that would allow implementation of this requirement in Frederick County. At present, the County Code already prohibits a property owner from proceeding with a request for a rezoning or conditional use permit unless the taxes on the property have been paid. The proposed ordinance is consistent with that already existing prohibition, but does contain an exception for emergency construction, alterations or equipment replacement, so that such work could take place without delay. Otherwise allowing a property owner to proceed with further development activities on a property would only allow the owner to enjoy the benefits of enhanced development of the property without having paid the taxes on the property and would raise a fairness issue relative to other County taxpayers who dutifully pay their taxes. In addition, conditioning the issuance of building and stormwater/erosion and sediment control permits on the payment of delinquent taxes on a property would provide the County with an additional valuable method of enforcement to help ensure payment of amounts properly due to the County. If the Committee is favorably disposed to the draft ordinance, a recommendation to approve and to forward to the Code & Ordinance Committee would be appropriate.

Attachments

cc: Public Works – Engineering
Public Works – Inspections
Treasurer’s Office

§ 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 § 15.2-2201, 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 § 15.2-2206.

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 § 15.2-2311; 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 § 15.2-2307 or subsection C of § 15.2-2311.

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 § 15.2-2209, 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 § 15.2-2311, 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 § 15.2-2311, 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 § 15.2-2314.

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 § [15.2-2201](#).

10. For the administration of incentive zoning as defined in § [15.2-2201](#).

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 make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit 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. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. 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, unless otherwise authorized by the treasurer.

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. 802; 1995, cc. 351, 475, 584, 603; 1996, c. 451; 1997, cc. 529, 543, 587; 1998, c. 385; 1999, c. 792; 2000, cc. 764, 817;

2001, c. [240](#);2002, cc. [547](#), [703](#);2005, cc. [625](#), [677](#);2006, cc. [304](#), [514](#), [533](#), [903](#);2007, cc. [821](#), [937](#); 2008, cc. [297](#), [317](#), [343](#), [581](#), [593](#), [720](#), [777](#);2009, c. [721](#);2012, cc. [304](#), [318](#);2014, c. [354](#);2017, c. [398](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



ORDINANCE
_____, 2018

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 52-5 (Issuance of Permits) of Chapter 52 (Building Construction) and Section 143-195 (Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit) of Chapter 143 (Stormwater/Erosion and Sediment Control) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strikethrough~~ and additions are shown in **bold underline**):

CHAPTER 52 BUILDING CONSTRUCTION

§ 52-5. Issuance of Permits.

Unless otherwise excepted, no permit to begin work for construction as defined by § 36-97 of the Code of Virginia or required by the several provisions of the Virginia Uniform Statewide Building Code shall be issued until all permit fees have been paid. **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 permit under this Chapter, except for, as provided under Section 108.1 of the Virginia Construction Code, a permit for emergency construction, alterations or equipment replacement, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.** All ~~such~~ permits **issued under this Chapter** shall be issued by the Chief Building Official or his authorized agent, on forms approved and provided by the Department of Building Inspections.

CHAPTER 143 STORMWATER/EROSION AND SEDIMENT CONTROL

§ 143-195. Issuance, time limit, modification, maintenance, transfer and/or termination of Frederick County land-disturbing permit and VSMP authority permit.

- A. Permit issuance. Once the requirements for obtaining a Frederick County land-disturbing permit and coverage under the state general permit for discharges from construction activity (if applicable) have been met, including the receipt or verification of payment of all required permit fees in accordance with the fee schedule of § 143-235, the administrator will issue a Frederick County land-disturbing permit and a VSMP authority permit. **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 permit under this Chapter, all delinquent real estate taxes and any other charges that constitute a lien on the subject property, that are owed to the County and have been properly assessed against the subject property, must be paid, unless otherwise authorized by the treasurer.**
- B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick County land-disturbing permit shall be made unless a written notice of transfer and corresponding permit modification fee is filed with the administrator and the transferee certifies agreement to comply with all obligations and conditions of the permit. The administrator may require modification or revocation and reissuance of the VSMP authority permit to change the name of the permittee and incorporate such other requirements as may be necessary for the transfer.
- C. If land-disturbing activity has not commenced within 180 days of land-disturbing or VSMP authority permit issuance or ceases for more than 180 days, the administrator may evaluate the existing approved ESC plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the previously filed ESC plan is determined to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.

Reference: 9 VAC 25-840-80B.

- D. VSMP authority permits are effective for a fixed permit cycle of five years. Activities requiring a VSMP permit may obtain coverage at any time during the five-year permit cycle and must be renewed if the permit has not been terminated prior to the end of the cycle. The annual permit maintenance fees in § 143-235 apply until the permit coverage is terminated or renewed.
- E. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may remain subject to the technical criteria of Part II C of the Virginia Stormwater Regulations for two additional permit cycles, provided coverage under the original VSMP permit is maintained. After two permit cycles have passed, or should the original VSMP permit coverage not be maintained, portions of the project not under construction shall become subject to

any new technical criteria adopted by the VSMP authority after the original VSMP permit coverage was issued.

- F. Land-disturbing activities for which VSMP permit coverage was issued between July 1, 2009, and June 30, 2014, for that permit cycle may elect to modify the permit by paying the appropriate permit modification fee and request approval for compliance with the technical criteria of Part II B for any remaining portions of the project.

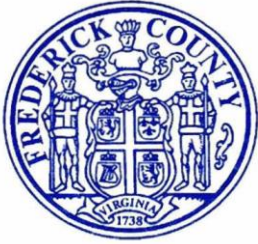
Reference: Va. Code § 62.1-44.15:24: 9 VAC 25-870-47.

Enacted this _____ day of _____, 2018.

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Shannon G. Trout	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator


COUNTY of FREDERICK

Department of Public Works

540/665-5643

FAX: 540/678-0682

MEMORANDUM

TO: Public Works Committee
FROM: Joe C. Wilder, Director of Public Works *JCW*
SUBJECT: Monthly Tonnage Report - Fiscal Year 16/17
DATE: May 22, 2018

The following is the tonnage for the months of July 2017, through June 2018, and the average monthly tonnage for fiscal years 03/04 through 17/18.

FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,468 TONS (UP 403 TONS)
FY 14-15:	AVERAGE PER MONTH:	13,133 TONS (UP 665 TONS)
FY 15-16:	AVERAGE PER MONTH:	13,984 TONS (UP 851 TONS)
FY 16-17:	AVERAGE PER MONTH:	14,507 TONS (UP 523 TONS)
FY 17-18:	AVERAGE PER MONTH:	15,195 TONS (UP 688 TONS)

MONTH	FY 2016-2017	FY 2017-2018
JULY	13,391	15,465
AUGUST	15,724	17,694
SEPTEMBER	14,649	16,813
OCTOBER	14,160	15,853
NOVEMBER	13,834	16,109
DECEMBER	16,821	12,644
JANUARY	12,520	13,295
FEBRUARY	12,542	13,100
MARCH	13,216	15,510
APRIL	14,252	15,469
MAY	16,105	
JUNE	16,873	

<u>MONTH</u>	<u>GLASS</u>	<u>PLAST</u>	<u>AL</u> <u>CANS</u>	<u>STEEL</u> <u>CANS</u>	<u>PAPER</u>	<u>OCC</u>	<u>SHOES/TEX</u>	<u>ELEC</u>	<u>SCRAP</u>	<u>TOTAL</u>
JUL		34,060	3,410	7,330	76,060	89,540	6,560	85,340	289,600	591,900
AUG		37,820	4,370	7,770	100,380	95,140		40,420	269,640	555,540
SEP		35,820	2,205	4,175	69,480	83,597	4,860	37,520	333,060	570,717
OCT		33,620	3,760	8,870	78,340	82,240		39,960	242,741	489,531
NOV		36,120	3,705	9,315	82,840	77,620	7,800	38,980	232,809	489,189
DEC		35,860	2,710	6,750	81,060	104,000		38,460	181,040	449,880
JAN		51,520	3,545	8,515	100,820	97,550		43,760	155,156	460,866
FEB		51,700	6,279	10,650	101,400	70,960	6,160	20,980	151,960	420,089
MAR		34,360	2,190	5,190	86,280	89,364	2,940	41,260	189,840	451,424
APR		36,660	11,840	8,155	95,680	95,696		63,680	262,160	573,871
MAY									3,425	3,425
JUN										0
TOTAL	0	387,540	44,014	76,720	872,340	885,707	28,320	450,360	2,311,431	5,056,432
FY 16-17	372,600	430,435	41,002	89,976	1,082,737	1,009,153	37,220	495,500	2,687,241	6,245,864
FY 15-16	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
FY 14-15	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000					2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000					2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060					2,305,960
TO DATE	14,247,821	6,009,678	548,737	1,234,855	33,150,206	8,547,406	342,540	6,225,034	17,634,721	87,941,078

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2017-2018

DOG REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED OVER NEXT MONTH
JULY	50	28	47	4	0	38	39	8	0	0	44
AUG	44	25	51	2	0	43	44	7	0	0	28
SEP	28	21	38	1	0	24	32	3	1	0	28
OCT	28	36	43	2	0	39	30	3	0	0	37
NOV	37	35	33	1	0	28	28	2	0	0	48
DEC	48	24	24	3	0	44	26	1	0	0	28
JAN	28	26	32	1	0	26	27	1	0	0	33
FEB	33	30	27	0	0	27	28	0	0	0	35
MAR	35	28	30	3	0	42	28	1	0	0	25
APR	25	31	27	1	0	28	25	3	0	0	28
MAY											
JUN											
TOTAL	356	284	352	18	0	339	307	29	1	0	334

In the month of April - 28 dogs in and out of kennel.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2017-2018

CAT REPORT

MONTH	ON HAND AT FIRST OF MONTH	RECEIVED AT KENNEL	BROUGHT IN BY ACO	BITE CASES	BORN AT KENNEL	ADOPTED	RECLAIMED	DISPOSED	DIED AT KENNEL	ESCAPED/ STOLEN	CARRIED TO NEXT MONTH
JULY	101	135	23	2	6	28	2	143	0	0	94
AUG	94	183	24	2	8	43	1	150	2	0	115
SEP	115	171	28	1	0	24	4	152	2	1	132
OCT	132	153	14	1	0	26	3	167	2	0	102
NOV	102	102	14	0	0	28	6	75	1	0	108
DEC	108	69	7	0	0	53	7	61	0	0	63
JAN	63	46	30	1	0	39	1	43	1	0	56
FEB	56	68	11	0	0	28	0	38	0	0	69
MAR	69	51	7	0	11	45	3	42	1	0	47
APR	47	74	9	2	0	56	3	23	0	0	50
MAY											
JUN											
TOTAL	887	1052	167	9	25	370	30	894	9	1	836

In the month of April - 132 cats in and out of shelter.