

Summary of Existing Regulations

Laws that the County has implemented

The following are summaries of the State laws that have been implemented by the County to address the issues that, if not addressed, hinder the Development Areas from being attractive and vibrant areas for residents and businesses.

- A. Removing, repairing, or securing unsafe buildings and structures: County Code §§ 5-300, 5-301, and 5-302 allow the County to require that any building, wall, or other structure that might endanger the public health to be removed, repaired, or secured. The County may require the owner to take the required action or do so itself if the owner fails to take required action. "Repair" includes maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. With the consent of the owner, the County may remove or demolish a derelict building. *Virginia Code § 15.2-906*.
- B. Prohibiting tall grass, weeds, and other uncontrolled vegetation on vacant developed or undeveloped parcels: County Code § 7-501 *et seq.* require an owner of vacant developed or undeveloped property to cut or otherwise control grass, weeds, and uncontrolled vegetation in excess of 12 inches in height. If the owner fails to control the vegetation, the County may do so and charge the owner. *Virginia Code § 15.2-901*.
- C. Prohibiting stagnant water: County Code §§ 7-505 and 7-506 prohibit an owner or occupant from allowing stagnant water from remaining or accumulating in any swimming pool, hot tub, or any other container on the property. *Virginia Code § 15.2-901*.
- D. Prohibiting abandoned or unattended vehicles on public property, and certain unattended vehicles on private property: County Code § 9-114 authorizes the police to direct the removal of abandoned or unattended vehicles from public property and to remove unattended vehicles on private property without the property owner's consent where the vehicle has been unattended by its owner for 10 or more days. *Virginia Code § 46.2-1213*
- E. Prohibiting keeping inoperable vehicles: County Code § 9-500 prohibits parking or storing more than two inoperable vehicles outside of a fully enclosed building in the Rural Areas zoning district, and more than one inoperable vehicle outside of a fully enclosed building in the residential zoning districts, provided that two inoperable vehicles may be kept for active vehicle restoration and repair. Any inoperable vehicles must either be covered or screened from view. *Virginia Code § 15.2-905*. This subject matter is also regulated in the Zoning Ordinance.
- E. Prohibiting dumping or disposing of refuse on public highways or on private property: County Code § 13-300 prohibits dumping or otherwise disposing of refuse or other unsightly matter on public highways and other public property, or on private property without the owner's consent.
- G. Prohibiting the accumulation or storage of refuse on private property: County Code § 13-302 prohibits an owner from storing, accumulating, or dumping refuse on its property "in such quantities or in such a manner or for such a period of time" as to

constitute a nuisance or endanger the health or safety of county residents. *Virginia Code § 15.2-901.*

Perhaps the most notable things to say about this list are that it is very short, the matters that are regulated are reactive to deteriorated conditions, and if any of these matters are to be addressed, they are complaint-driven under current County practices.

Source: Memorandum to the Albemarle County Board of Supervisors from Greg Kamptner, County Attorney dated February 11, 2019 entitled "Inventory of State Enabling Authority to Promote Active and Vibrant Development Areas"