

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of August 4, 2021</p>		
		August 5, 2021
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Supervisor Palmer PULLED the December 18, 2019 minutes from consent agenda item 8.1. PULLED, consent agenda item #8.4 for discussion. PULLED, consent agenda item #8.8 for discussion. By a vote of 6:0, ADOPTED Final Agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Expressed her appreciation for Deputy County Executive Doug Walker, Scottsville Mayor Ron Smith, Town Administrator Matt Lawless, and Appalachian Power when a micro-storm struck the southern part of the County in the Samuel Miller and Scottsville districts. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reported that local 4-H members would be selling their livestock at the combined Albemarle-Fluvanna 4-H sale during the Fluvanna County Fair on Saturday, August 21, 2021, beginning at 1:00 p.m. Expressed her concern about a potential drought situation for the County. Commented that she had been receiving calls about the United States Postal Service not having enough staff to do the mail and learned that packages from Amazon have top priority and that help may have to come from the Governors conference group to notify the President for assistance. Mentioned that she received an email from a lobbyist for the coalition against bigger trucks expressing concerns that transportation amendments would allow trucks on country roads, which would cause damage. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Commented that that pickleball was going well in Darden Towe Park. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Thanked staff and the citizens that helped their neighbors handle the storm in Southern Albemarle on July 29, 2021. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Recommended the book <i>The Color of Law: A Forgotten History of How Our Government Segregated America</i> to anyone who may interested. Suggested that when ordering through Amazon community members should try to request that orders are put in one package to reduce the number of packages. 		

<ul style="list-style-type: none"> Encouraged community member to be careful with their cigarettes and burning fires because of the drought. Announced that an Asian-American Pacific Islander, W.W. Yen, was going to be recognized on a highway marker as part of the newly launched state historical marker program. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>Vipul Patel</u>, Scottsville District, spoke towards item #10. 		
<p>8.2 Fiscal Year 2021 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve appropriation #2021086 for local government projects and programs. 	Clerk: Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 1)	
<p>8.3 Amendment of the County's Purchasing Manual.</p> <ul style="list-style-type: none"> ADOPTED Resolution to amend and re-adopt the Albemarle County Purchasing Manual by revising Chapter 26 and Chapter 22. 	Clerk: Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachments 2-4)	
<p>8.4 Authorization to Schedule a Public Hearing to Consider the Adoption an Ordinance Regarding the Formation of a Regional Cigarette Tax Administration Board.</p> <ul style="list-style-type: none"> Removed from consent agenda and discussed as part of the regular agenda. By a vote of 6:0, SET public hearing for September 1, 2021, to consider adopting an ordinance to form a regional cigarette tax board. 	Clerk: Advertise in the Daily Progress and schedule on September 1, 2021 agenda.	
<p>8.5 Authorization to Schedule a Public Hearing for An Ordinance to Amend County Code Chapter 7, Health and Safety.</p> <ul style="list-style-type: none"> SET public hearing to consider adoption of proposed ordinance at a future Board meeting. 	Clerk: Advertise in the Daily Progress and schedule on agenda when ready.	
<p>8.6 Albemarle County Fire Rescue (ACFR) Administrative Reorganization.</p> <ul style="list-style-type: none"> AUTHORIZED two new positions, a fleet mechanic and a member services analyst, for Albemarle County Fire Rescue. 	Fire/Rescue: Proceed as authorized.	
<p>8.7 SE202100020 Homestay Special Exception Anderson.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve the special exception with the conditions. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 5)	
<p>8.8 SE202100024 Bonumose, Inc. Special Exception.</p> <ul style="list-style-type: none"> Removed from consent agenda and discussed as part of the regular agenda. By a vote of 6:0, ADOPTED Resolution to approve the special exception request. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)	
<p>9. Recommended Updates to the Agency Budget Review Team (ABRT) Fiscal Year 2023 (FY 23) Application Process.</p> <ul style="list-style-type: none"> CONSENSUS to proceed with the recommended changes for the FY 23 ABRT process as presented by staff and discussed by the Board. 	Finance and Budget: Proceed as discussed.	
<p>10. SE202100018 Beauchamps Homestay Special Exceptions.</p> <ul style="list-style-type: none"> By a vote of 5:1 (Palmer), ADOPTED Resolution to approve all three special exceptions with conditions. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)	

	<p>Recess. At 2:47 the Board recessed and reconvened at 3:01 p.m.</p>	
11.	<p>Work Session: CPA2021-01 Crozet Master Plan - Draft Plan Review.</p> <ul style="list-style-type: none"> • HELD. 	<p><u>Clerk:</u> Proceed as discussed.</p>
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:34 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to discuss and consider: <ol style="list-style-type: none"> 1. The appointment of a Director of Human Resources; and 2. The appointments to six County advisory committees; and 3. An appointment to the JAUNT Board of Directors; and 4. The annual performance of the Clerk; and • Under Subsection (5), to discuss the expansion of three existing businesses where no previous announcements have been made of their interest in expanding their facilities at new locations in the County; and • Under Subsection (6), to discuss and consider the investment of public funds in the Scottsville Magisterial District related to the expansion of an existing business where bargaining is involved and where, if made public initially, the financial interest of the County would be adversely affected; and • Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation in two cases regarding breaches of the terms of agreements. 	
13.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:03 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
	<p>Non-Agenda. Resolution Appointing Director of Human Resources.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution Appointing Ti-Kimena-Mia Coltrane as the Director of Human Resources. 	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 8)</p>
	<p>Non-Agenda. Letter of Support Pertaining to Project Leppard.</p> <ul style="list-style-type: none"> • Motion to authorize the County Executive to sign a letter of support pertaining to Project Leppard's expansion passed by a vote of 6:0. 	<p><u>County Executive:</u> Proceed as authorized.</p>
14a.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> • REAPPOINTED, Mr. Roger W. Ray and Mr. Richard D. Keeling to the Acquisition of Conservation Easements (ACE) Committee with said terms to expire August 1, 2024. • REAPPOINTED Ms. Nancy Takahashi and Mr. Craig Jacobs to the Historic Preservation Committee with said terms to expire June 4, 2024. • APPOINTED, Mr. Michael Callahan to the Natural Heritage Committee with said term to expire September 30, 2025. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
15.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p>	

	<ul style="list-style-type: none"> • <u>Gary Grant</u>, Rio District, spoke towards local gun control measure. • <u>Lydia Brunk</u>, Samuel Miller District, spoke towards eviction prevention in Albemarle County • <u>Judy Schlusell</u>, Rio District and Rio-29 Community Advisory Committee, spoke towards entrance corridors, clearing debris in the front yard of the existing house connected to 999 Rio Road, and a timeframe for which construction material should be removed from sites. • <u>Kent Schlusell</u>, Rio District, spoke towards the rezoning of the property on the corner of Rio Road East and John Warner Parkway, commonly known as the Wetzel property, the need for a concise and accurate meaning of affordable housing, and the definition of green space. 	
16.	<p>From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Reported on Albemarle County's National Night Out and thanked the Albemarle County Police and supporting public agencies for their participation. <p><u>Trevor Henry:</u></p> <ul style="list-style-type: none"> • Announced Seas the Day event at Walnut Creek on August 29, 2021 from 12:00 – 4:00 p.m. 	
17.	<p><u>Pb. Hrg.: Fiscal Year 2022 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve the appropriation #2022004; #2022005; #2022006; #2022007; #2022008; #2022009; #2022010; and #2022011 for local government and school projects and programs. 	Clerk: Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 9)
18.	<p><u>Pb. Hrg.: Community Development Block Grant COVID Response (CDBG-CV).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution approving the County's submission of a Letter of Interest for CDBG-CV funding at the recommended amount and AUTHORIZED the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application. 	Clerk: Forward copy of signed resolution to Social Services and County Attorney's office. (Attachment 10)
19.	<p><u>Pb. Hrg.: SP202000002 MonU Park.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution to approve SP202000002. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)
	At 7:09 p.m., Supervisor LaPisto-Kirtley left the meeting.	
20.	<p><u>Pb. Hrg.: SP201900014 & SP201900015 Blue Ridge Swim Club Amendment.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0, ADOPTED Resolutions to approve SP201900014 and SP201900015 with conditions. 	Clerk: Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 12 and 13)
21.	<p><u>Pb. Hrg.: Ordinance to Amend County Code Chapter 15, Taxation.</u></p> <ul style="list-style-type: none"> • By a vote of 5:0, ADOPTED ordinance. 	Clerk: Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 14)
22.	<u>Pb. Hrg.: Ordinance to Amend County Code</u>	Clerk: Forward copy of signed

<p>Chapter 9, Motor Vehicles and Traffic.</p> <ul style="list-style-type: none"> By a vote of 5:0, ADOPTED ordinance. 	<p>ordinance to Police and County Attorney's office. (Attachment 15)</p>	
<p>23. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that at the most recent MPO meeting, four items were moved forward: Rivanna bridge, Avon Street, Fifth Street bike paths, and the District Avenue roundabout. She commented that Hillsdale South would not move forward. Inquired about the redefinition of the PACC (Planning and Coordination Council) and if it had gone into remission due to COVID. Commented that Harrisonburg has a good rule that does not allow stream impact credit to happen when the stream at hand is impaired. Mentioned that she attended a technical advisory committee meeting in Verona about stream buffers where it was suggested to implement a program of payments for implementation of nutrient management plans, which would be very helpful for Chesapeake Bay for water quality. Commented that Charles Rapp and Roger Johnson were collaborating on a zoning change for a lot in Crozet <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Expressed concern that the Board was approving minutes that are almost two years old. Pointed out that COVID numbers in Albemarle are going back up, with a positivity rate at 4.2%. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Mentioned that she spoke to Mr. Richardson about the ARPA money and the ABRT program. Mr. Richardson noted that the Finance Department is scheduled to come back before the Board on August 18 with an ARPA update. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Noted that when Governor Northam started to announce the use of some of the ARPA monies, \$411M was for wastewater management and the TJPDC could be a resource for how that impacts the locality for that specific item. 		
<p>24. Adjourn to August 18, 2021, 1:00 p.m. electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> The meeting was adjourned at 8:02 p.m. 		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2021 Appropriation
Attachment 2 – Resolution to Amend and Re-Adopt the Albemarle County Purchasing Manual
Attachment 3 – Purchasing Manual – Chapter 26
Attachment 4 – Purchasing Manual – Chapter 22
Attachment 5 – Resolution to Approve Special Exception for SE2021-00020 Anderson Homestay
Attachment 6 – Resolution to Approve Special Exception for SE 2021-00024 Bonumose, Inc.
Attachment 7 – Resolution to Approve Special Exceptions for SE2021-00018 Beauchamps Homestay
Attachment 8 – Resolution Appointing Ti-Kimena-Mia Coltrane As the Director of Human Resources
Attachment 9 – Resolution to Approve Additional FY 2022 Appropriations
Attachment 10 – Resolution

Attachment 11 – Resolution to Approve SP202000002 MonU Park
Attachment 12 – Resolution to Approve SP201900014 Blue Ridge Swim Club Amendment
Attachment 13 – Resolution to Approve SP201900015 Blue Ridge Swim Club and Field Camp Amendment
Attachment 14 – Ordinance No. 21-15(2)
Attachment 15 – Ordinance No. 21-9(1)

**RESOLUTION TO APPROVE
ADDITIONAL FY 2021 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2021086 is approved;
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2021.

**RESOLUTION TO AMEND AND RE-ADOPT
THE ALBEMARLE COUNTY PURCHASING MANUAL**

WHEREAS, the County of Albemarle Purchasing Manual ("Manual") delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

WHEREAS, the Manual was last amended on March 4, 2020; and

WHEREAS, the Board finds it is in the best interests of the County to amend the Manual to reflect the County's use of electronic signatures and electronic contract routing in compliance with Virginia Code § 59.1-479 *et seq* (Uniform Electronic Transactions Act) and to make other minor changes to increase the efficiency of the procurement process.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual by amending Chapter 26-2.6 and Chapter 22-1.

Chapter 26. The Contract

Summary

This chapter identifies, in general terms, the required elements of a contract entered into for the procurement of goods or services. The specific elements of a contract are set forth in model contracts in Appendix A. This chapter also identifies the procedure for resolving contractual claims. Finally, this chapter establishes the procedure for reviewing and executing contracts.

Essential Information in this Chapter
<ul style="list-style-type: none"> • After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and county officers. • Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals. • The contract shall be in a form approved by the county attorney.
Key References to the Code of Virginia Applicable to this Chapter
<p> § 2.2-4309: Modification of the contract § 2.2-4311: Employment discrimination by contractor prohibited § 2.2-4311.1: Compliance with federal, state, and local laws and federal immigration law; required contract provisions § 2.2-4311.2: Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth § 2.2-4312: Contractor required to maintain a drug-free workplace § 2.2-4331: Contract pricing arrangements § 2.2-4332: Workers' compensation for construction contractors and subcontractors § 2.2-4333: Retainage on construction contracts § 2.2-4334: Deposit of certain retained funds § 2.2-4335: Construction contract provisions barring damages for unreasonable delays void § 2.2-4350(B): Separate payment dates § 2.2-4354: Payment clauses to be included in contracts § 2.2-4363: Contractual disputes § 18.2-498.1: Certificate of no collusion § 22.1-296.1(C): Certification of Crimes Against Children § 59.1-483: Use of electronic records and electronic signatures; variation by agreement § 59.1-485: Legal recognition of electronic records, electronic signatures, and electronic contracts </p>

26-1 General

After a contract is awarded, a contract shall be prepared and circulated for review and signature by the vendor and County officers. The contract shall be created using the templates maintained by the purchasing agent and approved by the county attorney or otherwise in a form approved by the county attorney. (See Appendix A; contact purchasing agent for current in-use templates) All contracts shall contain the terms and conditions required by this chapter and by law. In no event shall a contract contain clauses requiring mandatory arbitration, indemnification of the vendor by the County, vendor ownership or security interest in property of the County, or broad powers of decision granted to the vendor.

The contract may be a short form contract. This contract specifies the procurement number, the date of execution, the parties to the contract, the contract term, the contract amount, and payment terms. The contract documents, incorporated by reference, include the original invitation for bids or request for proposals, with all addenda, and the vendor's proposal.

26-2 Review of Contract and Contract Documents by County Attorney

Before forwarding a contract to the county attorney for review, the contract preparer shall confirm that all contract documents are included and that the certificate of insurance and all bonds or other forms of surety are provided and satisfy the requirements of the invitation for bids or request for proposals.

The county attorney shall review a contract for the following matters and any other matters identified during review:

26-2.1 The Contract

The contract shall be reviewed by the county attorney for the following:

- Form and substance: The contract shall be in a form approved by the county attorney.
- Identification of the parties: The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "School Board of Albemarle County, Virginia." The vendor shall be identified by its legal name.
- Legal status of the parties: The County shall be identified as being "a political subdivision of the Commonwealth of Virginia." The School Board shall be identified as "a body corporate under the laws of the Commonwealth of Virginia." The legal status of the vendor shall be also stated (e.g., "a Virginia corporation").

- Term of the agreement: The term of the contract shall not commence prior to the date of the County's or School Board's properly authorized representative's signature. Terms of contracts, including renewals, in excess of five years are generally disfavored but may be approved by the purchasing agent if circumstances warrant.
- Included documents: All of the documents listed in the "contract documents" section of the contract shall be included in the contract package.

26-2.2 Required Provisions

State law requires the inclusion of certain provisions in public contracts. Those required provisions currently include:

- Employment discrimination by contractor prohibited (*Virginia Code* § 2.2-4311) (contracts exceeding \$10,000 in value)
- Compliance with federal, state, and local laws and federal immigration law (*Virginia Code* § 2.2-4311.1) Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (*Virginia Code* § 2.2-4311.2)
- Drug-free workplace to be maintained by contractor (*Virginia Code* § 2.2-4312) (contracts exceeding \$10,000 in value)
- Statement that the County or the School Board, as applicable, does not discriminate against faith-based organizations (*Virginia Code* § 2.2-4343.1)
- Payments to subcontractors (*Virginia Code* § 2.2-4354)

All County and School Board contracts shall include all provisions required by and in the *Virginia Code*, and shall be subject to, and follow the required form of, subsequent amendment(s) to state law.

The following provisions are required by this purchasing manual to be included in all public contracts:

- Non-appropriation: The continuation of contract past the end of any fiscal year is subject to appropriations by the Board of Supervisors or School Board, as applicable.
- Albemarle County business license requirement.
- Contract interpretation under the laws of the Commonwealth of Virginia.
- Venue in Albemarle County, Virginia.
- Payment and performance bonds (if construction project is \$100,000 or more).
- Compliance with local, state, and federal laws.
- Termination with cause.

The following provisions are recommended by this purchasing manual to be included in all public contracts:

- Non-assignment of contract by either party.
- Termination without cause.
- Hold harmless, indemnification (vendor indemnification of the County, NOT the County indemnifying the vendor).
- Independent contractor.
- Submission and disposition of contract claims.
- Payments to subcontractors.
- Insurance.
- Cooperative procurement, if applicable and approved by the purchasing agent.

The following provisions are PROHIBITED by law and this purchasing manual:

- Dispute resolution by arbitration.
- Indemnification of vendor by the County.
- Payment of vendor's attorney's fees.

26-2.3 Certificate of Insurance

If the invitation for bids or the request for proposals requires that the vendor have insurance during its performance of the contract, the certificate of insurance shall be reviewed for the following:

- Correct type of coverage: The certificate shall identify all of the types of insurance coverage (e.g., general liability, property damage, automobile liability, workers' compensation) required by the invitation for bids or the request for proposals.
- Correct amount of coverage: The certificate shall identify the amount of each type of insurance coverage, which must meet or exceed the amount for that type required by the invitation for bids or the request for proposals. The amount of coverage may be satisfied by combining the amount of insurance for the particular type of coverage with the amount of excess liability or umbrella insurance identified on the certificate of insurance, but only if the insurer provides a written statement that the coverage and the eligibility requirements for the excess liability or umbrella insurance is the same as the primary insurance.
- Term of coverage: The term of the insurance coverage shall begin on or prior to the date of the term of the contract, and shall continue during the full term of the contract. A certificate of insurance that indicates that an insurance policy will expire prior to the end of the contract term may be approved, but the vendor must provide a new certificate of insurance prior to the expiration of that policy.
- County or School Board named as an additional insured: The County or the School Board, as the case may be, must be identified on the certificate of insurance as an additional insured for all types of insurance coverage except for workers' compensation and

professional liability. The County shall be identified as the "County of Albemarle, Virginia." The school division shall be identified as the "School Board of Albemarle County, Virginia."

- Form of the certificate: The certificate shall be on a form approved by the County risk manager, such as the standard Acord 25 form.
- Original certificate: The vendor shall provide a duplicate original certificate of insurance. An original certificate shall be provided upon request of the purchasing agent.
- Signature of insurance agent: The certificate of insurance shall be signed by an insurance agent licensed to do business in Virginia and registered with the Virginia State Corporation Commission Bureau of Insurance.

26-2.4 Bonds and Other Forms of Security

Security such as performance bonds, payment bonds, or other forms of security shall be reviewed to ensure that they comply with the requirements for security as set forth in Sections 24-3.2, 24-4.2 and 24-5.

26-2.5 Signature of Vendor

The signature of the vendor shall be reviewed for the following:

- Signatory must be authorized to bind the vendor: The contract shall be signed on behalf of the vendor only by a person who is authorized to contractually bind the vendor. The vendor may be required to provide proof of the signatory's authority prior to approving the contract.
- Title or office of signatory must be identified: The title or office of the signatory shall be identified on a line immediately below his or her signature.

26-2.6 Authorized County/School Board Signatories

The following officers are authorized to sign contracts on behalf of the County and/or School Board:

Tier	Annual Contract Value	Authorized Signatories
I	Up to \$5,000	Employees specifically designated by their Department Head or Tier III signatory and who have completed mandatory training
II	Up to \$30,000	County Division Chiefs, School Division Heads, School Principals*
III	Up to \$100,000	Department Heads, County Executive,** School Superintendent** and Superintendent's cabinet
IV	N/A	Purchasing Agent/Chief Procurement Officer***, , Director of Finance/Chief Financial Officer***

*School principals are authorized to sign only form contracts prepared and approved by the county attorney. Any modification of standard contract terms requires the separate review of the county attorney and signature by a Tier III or IV signatory, depending on the amount.

**The deputy county executive(s) and deputy superintendent are authorized in the absence or unavailability of the county executive and superintendent, respectively.

***The deputy chief procurement officer and assistant CFO are authorized in the absence or unavailability of the purchasing agent and director of finance, respectively.

26-3 Contractual Claims and Dispute Resolution

A contractual claim shall be made pursuant to the following procedure:

- Time to submit notice of intention to file a claim: The vendor shall submit to the purchasing agent written notice of its intention to file a claim within twenty calendar days after the date of the occurrence of the event on which the claim is based, or within twenty calendar days after the date of the beginning of the work upon which the claim is based, as the case may be. However, if damage is deemed certain in the opinion of the vendor to result from its acting on an order from the County, it shall immediately take written exception to the order.
- Time to submit claim: A contractual claim, whether for money or other relief, shall be received in the purchasing office no later than sixty calendar days after final payment. An untimely notice will be insufficient to satisfy the requirements here, and no claim shall be recognized.
- Form and substance of claim: A claim shall be in writing, shall identify the date of the occurrence or the date of the beginning of the work upon which the claim is based, shall state the basis for the claim, and shall identify the

relief sought. An oral notice or statement will be insufficient to satisfy the requirements herein, and no claim shall be recognized.

- Investigation of claim: Upon receipt of a claim, the purchasing agent shall conduct an investigation and evaluation of the claim. As part of his investigation, the purchasing agent may request that the vendor submit additional information to support his claim and may request the vendor or a representative thereof to appear before the purchasing agent to provide additional information. The purchasing agent also may consult the using department and the county attorney.
- Resolution of claim: The purchasing agent, with the advice and consent of the county attorney, may settle and resolve a claim by mutual agreement of the vendor and the County. If resolution of the claim requires that the County pay additional money to the vendor, the purchasing agent's authority to settle a claim is limited to an amount not exceeding twenty-five percent of the amount of the contract, or \$50,000, whichever is greater. If resolution of the claim requires that the County pay an amount exceeding twenty-five percent of the amount of the contract, or \$50,000, whichever is greater, the purchasing agent shall present the proposed settlement to the Board of Supervisors or the Board's designee as defined in Section 26-4 for its determination.
- Written decision by purchasing agent if claim not resolved: If a claim is not resolved by mutual agreement of the vendor and the County within thirty calendar days of receipt of the claim, the purchasing agent shall notify the vendor in writing of his decision, which shall set forth the reasons for the action taken. The decision of the purchasing agent shall be final and conclusive to the fullest extent provided by law. A vendor may not institute legal action on the claim prior to receipt of the purchasing agent's written decision, unless the purchasing agent fails to render his decision within thirty calendar days after receipt of the claim.
- Payment during pendency of claim: The pendency of a claim shall not delay payment of amounts agreed due in the final payment, provided that the goods or services contracted for have been provided and accepted. The acceptance of the final payment by the vendor shall not constitute a waiver of the vendor's right to timely submit a claim.

The purchasing agent may consult the using department and the county attorney during any stage of the claim process.

26-4 Change Orders

Virginia Code § 2.2-4309(A) provides in part: “[N]o fixed-price contract may be increased by more than twenty-five percent of the amount of the contract or \$50,000, whichever is greater, without the advance written approval of . . . the governing body, in the case of political subdivisions.” The county executive, deputy county executive, or assistant county executive shall act as the designee of the Board of Supervisors for purposes of this review and approval. Approval shall be documented in writing on a form prepared by the purchasing agent or by other verifiable means. Proposed change orders shall receive this review whenever the cumulative total of proposed changes first exceeds twenty-five percent of the amount of the contract or any multiple of twenty-five percent thereafter (such as 50%, 75%, etc.). Modifications that fail to comply with this section are voidable at the discretion of the Board of Supervisors or its designee, and the unauthorized approval of a modification cannot be the basis of a contractual claim.

26-5 Contract Administration and Record Retention

Unless otherwise determined by the purchasing agent, the using department shall be responsible for the administration of all of the contracts for which it is responsible. Administration begins at the creation of a solicitation and continues from the time of the award of a contract through the completed performance of the work under the contract and acceptance by the County of the work. Administration also includes resolution of disputes through final payment.

Each County department shall designate a person or persons who shall be responsible for contract administration. Designated persons are strongly encouraged to attend any contract administration training provided by the purchasing agent.

Documentation regarding the negotiation, execution, performance, and resolution of a contract should be uniformly and securely maintained in conformity with the Library of Virginia retention schedules. Timely destruction of these records should be made only pursuant to the applicable retention schedules and in the manner proscribed. Documentation of records destruction shall also be appropriately maintained.

Any and all records regarding a procurement shall be delivered to the purchasing agent upon request.

Chapter 22. Small Purchases

Summary

This chapter establishes the procedures to be followed when the cost of the goods or nonprofessional services to be procured is not expected to exceed \$100,000, and when the cost of professional services to be procured is not expected to exceed \$80,000. If goods or nonprofessional services are sought to be procured, one of the three following procedures shall apply, depending on the expected cost of the procurement: (1) procurements up to and including \$5,000; and (2) procurements greater than \$5,000 up to and including \$100,000. A separate procedure applies when professional services are being procured.

Essential Information in this Chapter	
•	The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$100,000 for goods and nonprofessional services or \$80,000 for professional services.
•	Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner in order to avoid formal procurement procedures that would otherwise apply.
•	The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized.
•	If goods or nonprofessional services are sought, one of three informal procurement procedures applies. A separate procedure applies when professional services are sought to be procured.
Key References to the Code of Virginia Applicable to this Chapter	
Section 2.2-4303(G): Small purchases for goods and nonprofessional services; professional services	

22-1 General

This chapter establishes the procedures to be used for single or term contracts when the aggregate or the sum of all phases is not expected to exceed \$100,000 for goods or nonprofessional services or \$80,000 for professional services.

The following general principles apply to all procurements made pursuant to this chapter:

- Determination of estimated cost of procurement: The using department shall make a good faith determination as to whether the cost of the procurement is expected to exceed \$100,000 for goods or nonprofessional services or \$80,000 for professional services as provided in Section 4-5.

- Providing for competition: These small purchase procedures are intended to provide for competition whenever practicable and shall be applied to further this intent.
- Piecemealing of procurement prohibited: Neither the purchasing agent nor the using department shall procure goods or services in a piecemeal manner, otherwise split a procurement into multiple procurements, or request or require that the selected vendor invoice the County at intervals, for the purpose of reducing the estimated cost of the procurement to below the applicable purchasing thresholds described in this manual.
- Written request for quotations are preferred: Whenever possible, the request for quotations should be made in writing. Emails are an acceptable form for a written request for a quotation. The written request shall include reference to the Albemarle County General Terms and Conditions or the applicable contract template in use (see Appendix A). If the request is oral, the using department will follow the oral request with delivery to the vendor of the General Terms and Conditions or applicable contract template in use.
- Written quotations are preferred: The receipt of written quotations is preferred, even if verbal or telephone quotations are authorized, in the event that a dispute arises after the order is placed regarding terms or pricing. Emails are an acceptable form for a written quotation.
- Travel and training expenses whose costs not expected to exceed \$50,000 exempt: Travel and training expenses whose costs are not expected to exceed \$50,000 are exempt from the procedures set forth in Sections 22-2, 22-3 and 22-4. These costs, which may include those for job-related training, continuing education, and associated meals, lodging, and other related and authorized expenses, are subject to the approval of the using department and the purchasing agent.
- Purchase order required over \$5,000: A purchase order is required on any purchase over \$5,000.

22-2 Goods or Nonprofessional Services: Cost Not Expected to Exceed \$5,000

- Where the estimated cost of goods or nonprofessional services is \$5,000 or less unless exempted (see Part 4), purchases may be made upon receipt of a minimum of one ~~(1)~~ written or telephone (oral) quotation. Additional sources may also be solicited. Other quotes received that were not solicited shall be considered. If more than one quote is received, the award shall be made to the lowest responsive and responsible bidder. A record of the quotation must be kept with the file. If a telephone quote is solicited, a record shall be kept of the name and address of the vendor(s) contacted, the item description or service offered, price quoted, delivery dates and terms, names of persons giving and receiving the prices and

the date the information was obtained. Notation on the requisition form is considered to be an adequate record.

- Additional competition should be sought whenever there is reason to believe a quotation is not a fair and reasonable price.

22-3 Goods or Nonprofessional Services: Cost Expected to be Greater Than \$5,000 up to and including \$100,000

If the cost of the goods or nonprofessional services is expected to be greater than \$5,000 up to and including \$100,000, the following procedure shall apply:

- Scheduling: The using department should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process.
- Quotation: The using department shall seek at least three (four, if the cost is expected to exceed \$30,000) written quotations from vendors. When soliciting a quotation, the using department shall describe the goods or services desired, the quantity, the date by which delivery or performance is expected to be made, a statement that the County is seeking competitive quotations, any technical factors that may be evaluated, and the date and time by which written quotations must be received in the office of the using department.
- Posting of public notice: Purchases under this section that are expected to exceed \$30,000 shall require a written solicitation (or request for quotations), the posting of a public notice on the County's website, and may include posting on the Virginia Department of General Services' central electronic procurement website, and/or other appropriate website(s).
- Contents of written quotation: A written quotation submitted by a vendor shall contain the following information: (1) the name of the vendor quoting the offer; (2) the name of the individual quoting the offer; (3) the manufacturer and model of the goods or a description of the services; (4) the pricing and unit price; (5) the payment terms; (6) the promised delivery or performance date; (7) the technical qualifications, if requested; and (8) the date the quotation was made.
- Selection of vendor: The using department shall select the vendor providing the best value or lowest price quotation, depending on the structure of the request for quotations. However, if the vendor fails to provide a written price quotation which contains all of the information required by the preceding paragraph or if the purchasing agent determines that the vendor is not responsible, then the purchasing agent shall select the vendor providing the next best value or lowest price quotation and

shall state the basis for the decision in writing and place it in the procurement file.

The purchasing agent may require that any procurement of goods or services otherwise subject to this section comply with the competitive sealed bidding or competitive negotiation procurement procedures set forth in Parts 2 or 3.

22-4 Professional Services: Cost Not Expected to Exceed \$80,000

If the cost of professional services (as defined in Section 1-5 of this manual) is not expected to exceed \$80,000, the following procedure shall apply:

- Scheduling: The purchasing agent should allow sufficient time for vendor(s) to provide quotations and for the County's evaluation of the quotations and completion of the administration of the contract negotiation and execution process.
- Negotiation with one or more vendors: If the cost is not expected to exceed \$15,000, the using department is authorized to negotiate with one or more vendors. If the cost is expected to be greater than \$15,000 up to and including \$80,000, the using department shall contact and interview a minimum of three vendors. The negotiations may be conducted either in person or by telephone and shall consist of identifying the services desired, the date by which performance is expected to be made, the qualities of the vendor described in the following paragraph, and the cost for the services.
- Selection of vendor: The using department shall recommend to the purchasing agent the vendor to be selected. If the using department negotiated with more than one vendor, the using department shall recommend the vendor it determined to be the most qualified, responsible, and suitable; cost shall not be the sole determining factor. The purchasing agent shall notify the selected vendor, whose selection shall be contingent upon the County and the vendor entering into a written agreement.
- Written agreement: The purchasing agent shall provide the appropriate template or prepare a written agreement approved by the county attorney.

The purchasing agent may require that the procurement of professional services otherwise subject to this section comply with the competitive negotiation procedure set forth in Part 3.

22-5 Excepted Items from Competitive Requirements

The purchasing agent has determined that competition for certain goods and services is impracticable because of the nature and value of the goods and services or because these items have historically proven to be available from only a single source. As such, these specific goods and services, as listed in Appendix C, are excepted from competitive requirements, so long as the value

does not exceed the small purchase threshold. The purchasing agent, in consultation with the county attorney's office, is empowered to amend the list without prior approval of the Board of Supervisors.

- Procedure: Where a using department's or entity's estimated cost of goods or nonprofessional services does not exceed \$100,000 (or as otherwise restricted herein) for the goods and services detailed in Appendix C, purchases may be made upon receipt of one written quotation. A record of the quotation must be kept with the file and must be consistent with documentation as described in Section 22-2. The document shall also cite the specific exemption from the list in Appendix C. The documentation shall be provided to the purchasing agent or his designee upon request.

Departments should attempt to seek additional competition whenever there is reason to believe a quotation is not a fair and reasonable price.

Purchases of items listed in Appendix C must be accomplished through either a purchase order or a purchase card transaction.

- Agreements: Contract templates maintained by the Purchasing Office (see Appendix A) should be used to form all contracts between the County or the School Board and the vendors. Using departments or entities do not have authority to sign agreements provided by a vendor. In no event should a contract that is authorized pursuant to the Exemption List in Appendix C exceed a term of 5 years, including renewals, without express, written permission from the purchasing agent.
- Record Retention: Retention and timely destruction of all procurement records relating to exempt purchases (quotation, two-party agreements, purchase justifications, etc.) are the responsibility of the using departments or entities and must conform to the Library of Virginia retention schedules, including but not limited to GS-02.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE2021-00020 ANDERSON HOMESTAY**

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the SE2021-00020 Anderson Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exception would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED, that in association with the Anderson Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to modify the minimum 125 foot northern and southeastern yards required for a homestay in the Rural Areas zoning district, subject to the conditions attached hereto.

* * * *

SE 2021-00020 Anderson Homestay Special Exception Conditions

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the House and Parking Location Exhibit dated July 12, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated July 12, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated July 12, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.



**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00024 BONUMOSE, INC.**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00024 Bonumose, Inc. application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-23.2.1(16) and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

1. would not be a substantial detriment to adjacent parcels;
2. would not change the character of the adjacent parcels and the nearby area;
3. would be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Commercial Office (CO) district, and with the public health, safety, and general welfare (including equity); and
4. would be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the special exception to allow the gross floor area of the Laboratories/Research and Development/Experimental Testing use to exceed 4,000 square feet, subject to the condition attached hereto.

* * * *

SE 202100024 Bonumose, Inc. Condition

1. The gross floor area of the Laboratories/Research and Development/Experimental Testing use is limited to 50,000 square feet.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SE2021-00018 BEAUCHAMPS HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2021-00018 Beauchamps Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exceptions would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED that in association with the homestay at 943 Jefferson Lake Drive, the Albemarle County Board of Supervisors hereby approves the special exceptions to: 1) allow up to five guest rooms, rather than the two otherwise permitted; 2) modify the minimum 125 foot eastern and western yards otherwise required for a homestay in the Rural Areas zoning district; and 3) waive the owner occupancy requirement to allow a resident manager for the homestay, each subject to the conditions attached hereto.

* * * *

SE 2021-00018 Beauchamps Homestay Special Exceptions Conditions

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit, dated May 10, 2021.
2. Homestay use is limited to a total of five (5) guest rooms, all of which must be within the existing dwelling, as depicted on the Parking and House Location Exhibit dated May 10, 2021.
3. The existing buffer and screening located along the northern and eastern property lines, as depicted on the Parking and House Location Exhibit dated May 10, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.
4. No vehicle (a) having a registered gross weight of 16,000 pounds or more, or (b) being more than (i) 25 feet in length, (ii) eight feet in height (including attached accessories and appurtenances), or (iii) 102 inches in width may access the property to serve homestay guests, but such vehicles may access the property for construction, home repair, maintenance, landscaping, and delivery of goods.

**RESOLUTION
APPOINTING TI-KIMENA-MIA COLTRANE AS THE DIRECTOR
OF HUMAN RESOURCES**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia (the "Board") that, upon the recommendation of the County Executive, Ti-Kimena-Mia Coltrane ("Coltrane") is hereby appointed the Director of Human Resources for the County of Albemarle, Virginia pursuant to Virginia Code § 15.2-512; and

BE IT FURTHER RESOLVED that this appointment shall be effective on and after September 20, 2021; and

BE IT FURTHER RESOLVED that Coltrane will serve as Director of Human Resources at the pleasure of the Board and for an indefinite tenure pursuant to Virginia Code § 15.2-513; and

BE IT FURTHER RESOLVED that Coltrane will serve as the head of the County's Department of Human Resources; and

BE IT FURTHER RESOLVED that Coltrane will act under the supervision of the County Executive.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2022 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 22 Budget is amended to increase it by \$5,548,901.29;
- 2) That Appropriations #2022004; #2022005; #2022006; #2022007; #2022008; #2022009; #2022010; and #2022011 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2022.

RESOLUTION

WHEREAS, the County of Albemarle is committed to providing high quality service that achieves community priorities; and

WHEREAS, the closures of local businesses and the resulting job losses in response to the COVID-19 pandemic have left many of the County's low- and moderate-income families struggling financially; and

WHEREAS, many low- and moderate-income and Migrant farmworker households continue to struggle to access fresh, healthy, and culturally appropriate food choices; and

WHEREAS, Albemarle County is able to apply to the Virginia Department of Housing and Community (DHCD) for \$314,000 in Virginia Community Development Block Grant (VCDBG) funding to address COVID-19 related issues experienced by low- and moderate-income households; and

WHEREAS, Albemarle County has received a funding request from a group of local nonprofit organizations to support programs addressing the food security issues of low/moderate-income and Migrant farmworkers;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County of Board of Supervisors hereby approves the County's submission of a Letter of Interest for CDBG-COVID funding, and authorizing the County Executive to execute the application package, as well as any supporting or related contracts or documents required to obtain or accept this grant, and to take any further action required for this application.

**RESOLUTION TO APPROVE
SP202000002 MONU PARK**

WHEREAS, upon consideration of the staff report prepared for SP 202000002 MonU Park and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(4) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.16, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202000002 MonU Park, subject to the conditions attached hereto.

* * * *

SP202000002 MonU Park Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan entitled "Concept Plan for Special Use Permit Application for MonU Park" prepared by Meridian Planning Group LLC and dated 04-25-12. To be in general accord with the plan, development must reflect the following central features essential to the design of the development:
 - a) Number and location of parking spaces
 - b) Absence of structures

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The area used for playing fields must be in general accord with the layout shown on the plan titled "Field Layout Plan", dated January 22, 2020. The total number of playing fields must not exceed seven, and the total number of playing fields used for games at any one time must not exceed four.
3. Before establishing a fifth playing field on the site, the applicant must install flood-safety signage to the satisfaction of the Rivanna Water & Sewer Authority.
4. Hours of operation must be no earlier than 8:00 a.m. and no later than one-half hour after the time of sunset as calculated by the National Oceanic & Atmospheric Administration.
5. Overnight parking is not permitted on the site. The entrance to the property must be closed by a locked gate when the playing fields are not in use.
6. Outdoor lighting is not permitted for this use.
7. Any irrigation must comply with all of the following requirements:
 - a) Any withdrawals from the Rivanna River must use a temporary over-the-bank hose.
 - b) Permanent changes to the riverbank must not be made.
 - c) Existing trees along the riverbank must not be removed.
 - d) Irrigation may occur only during the 28-day period following any application of grass seed on the site.
8. The use of amplified sound system(s) is not permitted for this use.
9. Fill must not be placed within the portion of the property within the Flood Hazard Overlay District.
10. The driveway and parking area must be a pervious surface unless otherwise required by the County Engineer pursuant to § 4.12.15(a) of the Zoning Ordinance. Upon termination of the playing field use,

the surfacing of the driveway and parking area must be removed and the previously-disturbed land surface must be returned to vegetated cover or an unpaved accessway.

11. A Phase I archaeological survey must be completed for areas to be graded for this use, followed by appropriate mitigation measures as approved by the Planning Director, prior to issuance of a grading permit.
12. At least one handicapped-accessible portable toilet, anchored to the ground, must be available on site at all times when the site is in use for games, practices, or other club activities (not including site maintenance).
13. Any herbicides or pesticides applied for this use must (a) be applied according to a management plan prepared for the site by a professional applicator, and (b) be listed as appropriate for use on organic sites by the Organic Materials Review Institute (OMRI) or by another organization found by the Director of Planning to be equivalent.

**RESOLUTION TO APPROVE
SP201900014 BLUE RIDGE SWIM CLUB AMENDMENT**

WHEREAS, upon consideration of the staff report prepared for SP 201900014 Blue Ridge Swim Club Amendment and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(4) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.16, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 201900014 Blue Ridge Swim Club Amendment, subject to the conditions attached hereto.

* * * *

SP201900014 Blue Ridge Swim Club Amendment Special Use Permit Conditions

1. Development of the swim club use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "SUP Concept Plan For: Blue Ridge Swim Club," prepared by Shimp Engineering, and dated 6/21/2019, and the plan titled "Re-submittal Plan for SP201900014 and SP201900015 Blue Ridge Field Camp," dated 9/20/2020 (collectively hereinafter "Conceptual Plans"). To be in accord with the Conceptual Plans, development must reflect the following major elements within the development essential to the design of the development:
 - Limits of disturbance
 - Location and size of the existing pavilion building
 - Location, size, and vegetative screening of the new pavilion and storage building, as shown on the 2020 Conceptual Plan. New screening trees are limited to native evergreen species at least six feet in above-ground height at time of planting. Any new screening trees that die within three years of planting must be replaced with new trees meeting the same standard.
 - Location of parking areas
 - Land clearing is permitted only as necessary to establish the well, septic line and drainfields, parking, and structures shown on the Conceptual Plans.

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The Blue Ridge Swim Club (SP201900014) may operate only between Memorial Day weekend and Labor Day weekend, inclusive.
3. The hours of operation for the Blue Ridge Swim Club (SP201900014) must not begin earlier than 11:00 AM and must end not later than 8:00 P.M.
4. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
5. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
6. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.
7. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.

8. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
9. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
10. No more than 200 people will be permitted on the property for any purpose at any time.

**RESOLUTION TO APPROVE
SP201900015 BLUE RIDGE SWIM CLUB AND FIELD CAMP AMENDMENT**

WHEREAS, upon consideration of the staff report prepared for SP 201900015 Blue Ridge Swim Club and Field Camp Amendment and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(20) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, with the provisions of § 18-5.1.05, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 201900015 Blue Ridge Swim Club and Field Camp Amendment, subject to the conditions attached hereto.

* * * *

SP201900015 Blue Ridge Swim Club and Field Camp Amendment Special Use Permit Conditions

1. Development of the camp use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "SUP Concept Plan For: Blue Ridge Swim Club," prepared by Shimp Engineering, and dated 6/21/2019, and the plan titled "Re-submittal Plan for SP201900014 and SP201900015 Blue Ridge Field Camp," dated 9/20/2020 (collectively hereinafter "Conceptual Plans"). To be in accord with the Conceptual Plans, development must reflect the following major elements within the development essential to the design of the development:
 - Limits of disturbance
 - Location and size of the existing pavilion building
 - Location, size, and vegetative screening of the new pavilion and storage building, as shown on the 2020 Conceptual Plan. New screening trees are limited to native evergreen species at least six feet in above-ground height at time of planting. Any new screening trees that die within three years of planting must be replaced with new trees meeting the same standard.
 - Location of parking areas
 - Land clearing is permitted only as necessary to establish the well, septic line and drainfields, parking, and structures shown on the Conceptual Plans.

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The Blue Ridge Swim Club Day Camp, Boarding Camp (SP201900015) may operate only five days per week between April 1 and November 15, inclusive. The Camp may not operate at any other time of year
3. The hours of operation for the Blue Ridge Swim Club Day Camp, Boarding Camp (SP201900015) must not begin earlier than 8:30 AM any day and must not end later than 5:00 PM on Mondays, Tuesdays, Wednesdays, and Fridays. On Thursdays, overnight stays are permitted.
4. A maximum sound level of 55 decibels is in effect between the hours of 9:30 PM and 8:30 AM.
5. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot-candles must be submitted to the Zoning Administrator or their designee for approval.
6. Approval of the Health Department for the well, septic and food concession will be required prior to approval of a site plan.
7. Approval by the Virginia Department of Transportation for the entrance will be required prior to approval of site plan.

8. Prior approval by the Fire Department will be required prior to all outdoor cooking and /or campfires.
9. No amplification of sound will be permitted, with the exception of a megaphone used on Fridays during each season (Memorial Day through Labor Day) during field games, radios and electronic sound producing or reproducing devices, provided that any such amplified sound must comply with the applicable noise regulations.
10. Parking on Owensville Road by attendees or staff of the Blue Ridge Swim Club or the Camp will not be permitted.
11. No more than 200 people will be permitted on the property for any purpose at any time.
12. No more than 100 overnight campers will be permitted at any one time.

ORDINANCE NO. 21-15(2)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby reordained and amended as follows:

By Adding, Amending, and Renumbering (from County Code Chapter 9):

15-1400	Vehicle license tax imposed.
15-1401	Exempted vehicles.
15-1402	New vehicles required to obtain a license.
15-1403	Amount of license tax.
15-1404	When license tax is due.
15-1405	Prorating.
15-1406	Refunds.
15-1407	Disposition.
15-1408	License not to be issued until all personal property taxes are paid.
15-1409	Penalty.

Chapter 15. Taxation**Article 14. County Vehicle Licenses****Sec. 15-1400 Vehicle license tax imposed.**

There is hereby levied a license tax upon every person owning a motor vehicle, trailer, or semitrailer normally garaged, stored, or parked in the County and operated or intended to be operated upon its highways, except as otherwise provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; § 9-400, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; § 15-1400, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752.

Sec. 15-1401 Exempted vehicles.

- A. This article does not apply to any vehicle exempted by Virginia Code §§ 46.2-663 through 46.2-683 or 46.2-755, and does not apply to any vehicle licensed under Virginia Code §§ 46.2-750 through 46.2-751.
- B. This article does not apply to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the State Corporation Commission or the Interstate Commerce Commission or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; § 9-402, Ord. 98-A(1), 8-5-98; § 15-1401, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code §§ 46.2-663 through 46.2-683, 46.2-696, 46.2-750, 46.2-751, 46.2-755.

Sec. 15-1402 New vehicles required to obtain a license.

The purchaser of a new motor vehicle or a new resident of the County must obtain a vehicle license within 30 days of the purchase date or the date that the owner moved into the County.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; § 9-403, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06 Ord. 08-9(1), 12-3-08; § 15-1402, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(l).

Sec. 15-1403 Amount of license tax.

- A. *Motor vehicles.* The annual license tax on motor vehicles not classified in subsections (B), (C), or (D) is based on gross vehicle weight. The license tax is \$40.75 for vehicles with gross vehicle weights of 4,000 pounds or less and \$45.75 for those with gross vehicle weights over 4,000 pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.
- B. *Motorcycles.* The annual license tax on motorcycles is \$28.75.
- C. *Trailers and semitrailers.* The annual license tax on trailers or semitrailers not designed and used for transportation of passengers is as follows:

Gross Weight	Annual Tax
0 - 1,500 lbs.	\$18.00
1,501 lbs. and above	\$28.50

For a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of the combination is taxed as a separate vehicle.

- D. *When well-drilling machinery or other specialized mobile equipment attached.* The annual license tax on motor vehicles, trailers, or semitrailers upon which well-drilling machinery or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B) is attached is \$16.50.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; § 9-404, Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08; Ord. 16-9(1), 7-6-16; § 15-1403, Ord. 21-15(2), 8-4-21)

State law reference--Va. Code §§ 46.2-694(A), 46.2-694.1, 46.2-752.

Sec. 15-1404 When license tax is due.

Except as provided in County Code § 8-802, the license tax is due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; § 9-404, Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08; Ord. 16-9(1), 7-6-16; § 15-1404, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(A).

Sec. 15-1405 Tax year and proration.

- A. *License tax year.* The license tax year under this article begins on January 1 and ends on December 31.
- B. *Proration.* The license tax prescribed by this article shall be prorated monthly, commencing with the month in which the license tax first becomes due.

(Code 1967, § 12-94; , § 12-98; 4-21-76; 6-7-89; Ords. (2) of 2-14-90; Ord. of 3-20-91; Code 1988, § 12-26; , § 12-30; § 9-405, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1405, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(A).

Sec. 15-1406 Refunds.

A person who pays a license tax under this article, then disposes of the motor vehicle, trailer, or semitrailer for which the tax was paid and does not purchase another vehicle, trailer, or semitrailer may request a prorated refund of the license tax paid. The Director of Finance shall refund 1/12 of the annual license tax for each full month remaining in the license year.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; § 9-406, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1406, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(A).

Sec. 15-1407 Disposition.

All license taxes collected under this article shall be deposited by the Director of Finance in the general fund of the County.

(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; § 9-407, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; § 15-1407, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(B).

Sec. 15-1408 License not to be issued until all personal property taxes are paid.

No motor vehicle, trailer, or semitrailer taxable under this Article shall receive a vehicle license until the applicant provides satisfactory evidence that all personal property taxes assessable against the motor vehicle, trailer, or semitrailer have been paid, and that all other personal property taxes assessable against the applicant for manufactured homes, motor vehicles, trailers, or semitrailers have been paid.

(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; § 9-408, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; § 15-1408, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code § 46.2-752(C).

Sec. 15-1409 Penalty.

- A. *Penalty for failure to obtain license.* It is a class 4 misdemeanor to fail to obtain a license required by this article. The Chief of Police may issue a summons or warrant for such violations.
- B. *Penalty for failure to register.* In addition to any other authorized penalty, a penalty of \$250.00 is imposed upon a resident owner of a motor vehicle who, following that owner's first 30 days of residency in the Commonwealth, fails to register the motor vehicle in the State when it is required to be registered. This penalty shall be imposed annually for as long as the motor vehicle remains unregistered. The Director of Finance shall assess and collect this penalty.

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; § 9-401, Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16; § 15-1409, Ord. 21-15(2), 8-4-21)

State law reference – Va. Code §§ 46.2-662(B), 46.2-752(G).

ORDINANCE NO. 21-9(1)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, is hereby reordained and amended as follows:

By Amending, Renaming, and Renumbering:

ARTICLE ~~1~~1. ~~IN GENERAL STATE LAWS INCORPORATED BY REFERENCE, PARKING, ABANDONED AND UNATTENDED VEHICLES, PENALTIES~~

- 9-100 Adoption of state law.
- 9-101 Applicability of chapter to roadways not part of state highway system.
- 9-102 General prohibitions.
- 9-103 Restricted parking on county-owned property.
- 9-104 Stopping or parking; generally.
- 9-105 Restricted areas=1; handicapped parking.
- 9-106 Stop signs; yield right-of-way signs.
- 9-107 Parking on private property.
- 9-108 Parking or standing in fire lanes.
- 9-109 Regulated parking areas; parking meters.
- 9-110 Vehicles; generally.
- 9-111 Permits for parades and processions.
- 9-112 Vehicle requirements.
- ~~9-444~~113 Removal and disposition of abandoned or unattended vehicles.
- ~~9-446~~114 Presumption in prosecution for parking violations.
- ~~9-447~~115 Removal or immobilization of vehicles with outstanding parking violations.
- ~~9-448~~116 Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.
- ~~9-449~~117 Compliance with chapter; penalty for violation of chapter.

ARTICLE ~~2~~2. SNOW ROUTES

- ~~9-300~~200 Snow routes designated; posting.
- ~~9-301~~201 Obstruction of highway due to lack of snow tires or chains.
- ~~9-302~~202 Abandonment of vehicles so as to block highways prohibited.
- ~~9-303~~203 Removal of stuck, abandoned, etc., vehicles.
- ~~9-304~~204 Penalty.

ARTICLE ~~3~~3. INOPERABLE VEHICLES

- ~~9-500~~ Keeping of inoperable vehicles; removal.
- Renumbered and reorganized as:
- Sec. 9-300 Definitions.
- Sec. 9-301 Unscreened or unshielded inoperable vehicles are prohibited.
- Sec. 9-302 Removal and disposition of inoperable vehicles.
- Sec. 9-303 Administration.

ARTICLE ~~4~~4. SPEED LIMITS

- ~~9-600~~400 Authority to establish on certain subdivision roads.
- ~~9-601~~401 Private roads designated highways.
- ~~9-602~~402 Violations.

ARTICLE ~~5~~5. VIDEO-MONITORING SYSTEM

- ~~9-800~~500 Definitions.
- ~~9-801~~501 Authorization~~School division authorized to install and operate video-monitoring systems.~~
- ~~9-802~~502 ~~Passing stopped school buses violations; c~~Civil penalty.

ARTICLE ~~6~~6. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, MOTORIZED SKATEBOARDS OR SCOOTERS, AND MOPEDS

9-900600	Riders subject to traffic laws, etc and other laws pertaining to vehicle operation.
9-904601	Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.
9-906602	Riding on handlebars.
9-907603	Riding with more than one person on a motorized skateboard or scooter.
9-908604	Report of certain vehicle accidents.
9-909605	Disposition of unclaimed bicycles, mopeds, etc and other vehicles.

ARTICLE ~~7~~. PERMIT PROGRAM FOR DOCKLESS MOBILITY DEVICES FOR HIRE

9-1000700	Purpose and persons covered.
9-1001701	Definitions.
9-1002702	Permit requirement.
9-1003703	County Executive authorized to promulgate regulations.
9-1004704	Maximum fleet size.
9-1005705	Review of permit applications.
9-1006706	Suspension or revocation of permits.
9-1007707	Appeals.

BY REPEALING:

9-113	Putting glass, etc., on highway prohibited.
9-115	Authority of fire department officials to direct traffic, etc.
9-200	Prohibited acts.
9-201	Erection of signs.
9-202	Penalty.
9-203	Removal of vehicles.
9-400	Vehicle license tax imposed.
9-401	Violations.
9-402	Exempted vehicles-Generally.
9-403	New vehicles required to obtain a license.
9-404	Amounts.
9-405	Prorating.
9-406	Refunds.
9-407	Disposition.
9-408	License not to be issued until all personal property taxes are paid.
9-409	Duration.
9-410	Reserved.
9-411	Reserved.
9-412	Reserved.
9-700	Definitions.
9-701	Establishment and implementation.
9-702	Traffic signal violations; penalty.
9-901	Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.
9-902	Riding on roadways generally.
9-903	Reserved.
9-905	Rider not to attach vehicle or himself to another vehicle.
9-910	Unlawful to ride motorized skateboard or scooter while using earphones.

ARTICLE 1. STATE LAWS INCORPORATED BY REFERENCE, PARKING, ABANDONED AND UNATTENDED VEHICLES, PENALTIES

Sec. 9-100 Adoption of state law.

The provisions of Virginia Code Title 46.2, Title 16.1, Chapter 11, Article 9 (Virginia Code § 16.1-278 *et seq.*), and Title 18.2, Chapter 7, Article 2 (Virginia Code § 18.2-266 *et seq.*), except those provisions the violation of which constitute a felony, and except those provisions that, by their nature, cannot apply to or within the County, are hereby incorporated into this chapter by reference and made applicable within the County, *mutatis mutandis*. References in those provisions to “highways of the state,” “highways of the Commonwealth,” or “highways of Virginia” will be deemed to refer to the highways of the County. It is a violation of this chapter to violate or to fail to comply with the provisions adopted by this section. The penalty for a violation of this section is the same as that imposed for a similar offense under state law.

(10-19-72, § 3; 10-9-74; 4-13-88; Ord. of 3-14-90; Ord. of 6-5-91; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-1; § 9-100, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 46.2-1313.

Sec. 9-101 Applicability of chapter to roadways not part of state highway system.

This chapter applies to all highways within residential subdivisions that are open to the public, whether or not those highways are in public ownership or have been accepted into the state highway system.

(10-9-74; Code 1988, § 12-2; § 9-101, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 46.2-1305.

Sec. 9-102 General prohibitions.

A. *Parking or stopping a vehicle in various locations prohibited.* It is unlawful for any person to park or stop a vehicle, except when necessary to avoid traffic or with the directions of a police officer or traffic-control device, in any of the following locations:

1. On any sidewalk;
2. In or in front of a driveway so as to block the use of that driveway;
3. Within 15 feet of any fire hydrant or any mailbox;
4. Any closer to a corner than is indicated by signs or marks upon the road or curb or within 20 feet of an intersection;
 1. Within any bus zone, as indicated by signs or marks upon the road or curb;
6. Within a marked crosswalk;
7. Abreast of another vehicle parallel to a curb (double parking);
8. Within any loading zone, as indicated by signs or marks upon the road or curb;
9. Within any zone indicated by signs or marks upon the road or curb as a no parking zone;
10. At any location for a longer time than is permitted by signs or marks upon the road or curb (overtime parking);
11. In any fire lane marked or indicated as such;
12. On any grass, unless such parking is permitted by signs or marks upon the road;
13. Within 50 feet of the nearest rail of a railroad grade crossing;
14. Within 15 feet of a fire hydrant, or obstructing a fire hydrant;
15. Upon any bridge or other elevated structure on a highway or within a tunnel; or
16. At any place where official signs prohibit parking.

B. *Parking commercial vehicles, placing portable or mobile storage containers and dumpsters on designated secondary highways prohibited.* It is unlawful for any person to park any commercial or recreational vehicle, or place any portable or mobile storage container, or dumpster on the state secondary highways in areas zoned for residential use. For the purposes of this subsection:

1. "Commercial or recreational vehicle" means:
 - a. Any vehicle that has a registered gross weight of 16,000 pounds or more, is more than 25 feet long, is more than eight feet high including accessories and appurtenances, has more than two axles, or is more than 102 inches wide;

- b. Any waste collection vehicle, tractor trailer, dump truck, concrete mixer truck, or tow truck;
- c. Any vehicle, trailer, or semitrailer in which food or beverages are stored or sold;
- d. Any trailer or semitrailer used for transporting landscaping, lawn-care, or construction equipment or supplies;
- e. Any vehicle used to transport passengers or property for compensation. However, per each residential address, one motor vehicle used to transport passengers for compensation that has a seating capacity of not more than seven passengers, excluding the driver, and that is not otherwise a commercial or recreational vehicle under this article, may be parked on a state secondary highway in an area zoned for residential use and at a location directly adjacent to the registered owner's address;
- f. Any watercraft;
- g. Any motor home or camping trailer;
- h. Any school bus or any vehicle previously used as or commonly used as a school bus; and
- i. Any vehicle carrying commercial freight;

2. "Commercial or recreational vehicle" does not mean:

- a. Any vehicle displaying handicapped accessible parking placards or license plates, not for hire, and driven by or for transporting a person with a disability;
- b. Any rented moving truck or any for-hire moving company vehicle within 48 hours of the move;
- c. Any vehicle when it is picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at the work or service location, including any vehicle used in construction, home repair, maintenance, landscaping, and delivery of goods; and
- d. Any portable or mobile storage container or dumpster parked pursuant to a Virginia Department of Transportation permit.

3. "Areas zoned for residential use" means all areas in the Residential (R-1), Residential (R-2), Residential (R-4), Residential (R-6), Residential (R-10), Residential (R-15), Village Residential (VR), and Planned Residential Development (PRD) zoning districts and the residential areas within the Neighborhood Model (NMD) and Planned Unit Development (PUD) zoning districts (a "residential zoning district"), including any secondary highway abutting one or more of these zoning districts as provided in County Code § 18-1.7(C)(2); provided that if a secondary highway serves as a boundary between a residential zoning district and a non-residential zoning district, only the side of the secondary highway abutting the residential zoning district is considered an area zoned for residential use.

C. *Authority of law enforcement officers in the performance of their lawful duties.* In the performance of their lawful duties, law-enforcement officers may move or cause to be moved motor vehicles to any place they may deem expedient without regard to the provisions of this section.

(Code 1988, § 12-3; § 9-102, Ord. 98-A(1), 8-5-98; Ord. 20-9(1), 3-18-20; Ord. 21-9(1), 8-4-21)

State law reference--Va. Code §§ 46.2-1220, 46.2-1221.

Sec. 9-103 Restricted parking on county-owned property.

- A. The County Executive shall regulate parking on County-owned and County-leased property. The regulations may restrict the type of vehicles, as well as the time, place, and manner that vehicles may be parked-
- B. The County Executive shall give public notice of the regulations by establishing and posting signs or by other means adequate to inform operators of vehicles of the regulations.

C. A violation of the regulation adopted under subsection (A) is a violation of this chapter.

(Code 1988, § 12-4; § 9-103, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code § 46.2-1221.

Sec. 9-104 Stopping or parking; generally.

- A. No operator shall stop a vehicle in a manner that impedes or renders dangerous the use of a highway, except in the case of an emergency, an accident, or mechanical breakdown. During such an event, the operator shall turn on the vehicle's emergency flashing lights, if possible. The operator shall report the vehicle's location to the nearest police officer as soon as practical. The operator shall move the vehicle to the shoulder, and then remove it from the shoulder, without unnecessary delay. If the vehicle is not promptly removed, any police officer may order it removed at the vehicle owner's expense.
- B. The provisions of paragraph A do not apply to vehicles owned or controlled by the Virginia Department of Transportation or the County, while actually engaged in the construction, reconstruction, or maintenance of highways and roads.
- C. No truck or bus, except a school bus, shall be stopped wholly or partially on a highway outside of a town to take on or discharge cargo or passengers, unless the driver cannot leave the traveled portion of the highway safely. A school bus may be stopped on a highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

(Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5; § 9-104, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code §§ 46.2-888, 46.2-891, 46.2-893.

Sec. 9-105 Restricted areas; handicapped parking.

- A. No person shall park a vehicle in a parking space reserved for persons with disabilities, if that vehicle does not display disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under Virginia Code § 46.2-1241, or DV disabled parking license plates issued under Virginia Code § 46.2-739(B), or for a person who is not limited or impaired in their ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- B. A summons may be issued under this section without the necessity of the owner of the parking area obtaining a warrant.
- C. Proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle-constitutes prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
- D. A violation of this section is a class 2 misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$500.00.

(Code 1988, § 12-51; § 9-105, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code § 46.2-1242.

Sec. 9-106 Stop signs; yield right-of-way signs.

The County Executive may designate intersections at which vehicles shall come to a full stop or yield the right-of-way except within the Town of Scottsville.

(12-19-74; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-5.2; § 9-106, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-107 Parking on private property.

No person shall stand or park a vehicle on any private lot without the consent of its owner. A sign or marking on a private lot, indicating that no vehicles are permitted to stand or park there, creates a rebuttable presumption that the owner did not consent.

(Code 1988, § 12-5.3; § 9-107, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-108 Parking or standing in fire lanes.

- A. No person shall park or stand a vehicle in a marked fire lane.
- B. Police officers, any fire and rescue officer in charge of a rescue operation, and the fire marshal have the authority to remove a vehicle found in violation of this section at the owner's risk and expense.
- C. This section does not apply to fire, rescue, or police vehicles while they are involved in emergency operations.

(Ord. No. 97-12(1), 5-21-97; Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5.4; § 9-108, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-109 Regulated parking areas; parking meters.

- A. The County Executive shall install and maintain parking meters at sites designated by the Board of Supervisors. The County Executive shall also erect signage giving notice of the prices and time limits for parking at such sites, as set by board resolution.
- B. Police officers, and any other County personnel designated by the police chief, shall enforce this section in accordance with County Code § 9-118.

(Code 1988, § 12-5.5; § 9-109, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 46.2-1220.

Sec. 9-110 Vehicles; open tail gate.

It is unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate, to lower or open the tail gate, or to permit the tail gate to be lowered or opened, except while the vehicle is being loaded or unloaded, or while the load on the vehicle requires a lowered or opened tail gate as a support for the load.

(Code 1967, § 12-6; Code 1988, § 12-6; § 9-110, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-111 Permits for parades and processions.

No athletic contest, race, demonstration, planned gathering or parade, except the military forces of the United States, the military forces of the state, the Police Department, or the Department of Fire and Rescue, shall occupy or proceed along any highway, except in accordance with a permit presented to the Chief of Police and any other applicable regulations of this chapter.

(Code 1967, § 12-8; 4-13-88; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-6.1; § 9-111, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-112 Vehicle requirements.

It is a violation of this chapter to park, keep, or permit to be parked or kept, any motor vehicle, trailer, or semitrailer on any public highway, unless:

- A. The motor vehicle displays an inspection sticker that is valid under Virginia law; and
- B. The vehicle is registered and licensed in accordance with Virginia law.

(Code 1988, § 12-6.2; § 9-112, Ord. 98-A(1), 8-5-98; Ord. 21-9(1), 8-4-21)

Sec. 9-113 Removal and disposition of abandoned vehicles.

- A. As used in this section, “abandoned motor vehicle” has the same meaning as in Virginia Code § 46.2-1200.
- B. The Chief of Police may direct that an abandoned or unattended motor vehicle be taken or disposed of by any person provided in Virginia Code § 46.2-1201. The Chief of Police may also direct that motor vehicles, trailers, semitrailers, or parts thereof be removed as provided in Virginia Code §§ 46.2-1213 and 46.2-1215.
- C. The Chief of Police may only remove vehicles from private property.
- D. As soon as possible after removal of a vehicle, the Chief of Police shall notify the owner of the vehicle of the vehicle’s location and the procedure to recover the vehicle.
- E. After taking or removing the vehicle, the Chief of Police may dispose of it as provided in Virginia Code § 46.2-1200, *et seq.*

(Code 1988, § 12-6.4; § 9-114, Ord. 98-A(1), 8-5-98; Ord. 05-9(1), 12-7-05; § 9-113, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code §§ 46.2-1201, 46.2-1209, 46.2-1213, 46.2-1215.

Sec. 9-114 Presumption in prosecution for parking violations.

Proof that a vehicle was in violation of this article, together with proof that the defendant was the vehicle’s registered owner at the time of the violation, create a rebuttable presumption that the owner committed the violation.

(Code 1988, § 12-9.2; § 9-116, Ord. 98-A(1), 8-5-98; § 9-114, Ord. 21-9(1), 8-4-21)

Sec. 9-115 Removal or immobilization of vehicles with outstanding parking violations.

- A. If a vehicle on a highway or public property is the subject of three or more unsettled parking violation notices, a police officer or other uniformed personnel designated by the Chief of Police may immobilize that vehicle or remove it. If the vehicle is immobilized, the officer or designee shall place on the vehicle a conspicuous notice warning that the vehicle is immobilized and that attempts to move the vehicle could damage it.
- B. As soon as possible after immobilizing or removing a vehicle, the Police Department shall notify the owner of the vehicle of its location, as well as the prior unsettled parking violation notices.
- C. If the owner fails to pay the unsettled parking violation notices and costs, or the owner is not ascertainable after a diligent search by the Police Department, the Department of Finance and Budget shall send notice to the owner’s last known address and to the holder of any recorded lien on the vehicle. The vehicle may then be sold in accordance with Virginia Code § 46.2-1209.

(Code 1988, § 12-9.3; § 9-117, Ord. 98-A(1), 8-5-98; § 9-115, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 46.2-1216.

Sec. 9-116 Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

- A. *Posting written notice of violation.* Police officers and other uniformed personnel designated by the Chief of Police to enforce the parking provisions of this chapter must post a written notice of violation on the windshield of each vehicle found illegally parked. The notice of violation must state that the recipient of the notice may elect to waive their right to appear and be tried for the offense or offenses indicated in the notice.
- B. *Waiving right to trial; payment.* A person may waive their right to trial by voluntarily remitting to the Director of Finance and Budget the amount of the fine stipulated for that violation, as provided in subsection (E). If that remittance is neither postmarked to nor received by the Director within 48 hours of the notice of violation, or within 96 hours if a timely request for review is made under subsection (D), then the amount of the applicable fine is doubled.

- C. *How payment is made.* Regardless of who remits payment for a fine, the responsibility for receipt of the payment by the Director of Finance and Budget lies with the registered owner of the vehicle. The Director may accept payment of an amount due by any commercially acceptable means, and may add to any amount due the amount charged to the County for accepting that payment, such as for payment by a credit card. If a check is returned for insufficient funds, the registered owner remains liable for the parking violations, and will be subject to a service charge of \$25.00 for processing the returned check in addition to any other available remedies.
- D. *Contesting the charges.* To contest the charges cited in a notice, a person must appear at the office of the Director of Finance and Budget and, on forms provided by the Director, file a request for administrative review of the charges. The request for review must indicate whether a hearing in court is demanded if the request for dismissal is denied. The Director and the Chief of Police shall review and comment upon the facts of the request and recommend to the Attorney for the Commonwealth whether to approve or deny the request. The Attorney for the Commonwealth shall then decide whether to dismiss the charge. If the request for review is made within 48 hours of the notice of violation, then the recipient shall have an additional 48 hours after denial of that request to remit the fine, before the amount thereof is doubled.
- E. *Schedule of fines.* The fines for a violation of this article are as follows:

Offense	Fine	Fine if Amount Doubled Pursuant to Subsection (B)
Parking on sidewalk	\$25.00	\$50.00
Blocking driveway	\$25.00	\$50.00
Park within 15 feet of fire hydrant or mailbox	\$25.00	\$50.00
Park within bus zone	\$25.00	\$50.00
Park in crosswalk	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Parking in fire lane	\$50.00	\$100.00
Parking in loading zone	\$25.00	\$50.00
Parking in prohibited zone	\$25.00	\$50.00
Overtime parking	\$10.00	\$20.00
Parking within 50 feet of railroad crossing	\$25.00	\$50.00
Parking alongside or opposite street obstruction or excavation	\$25.00	\$50.00
Parking on bridge	\$25.00	\$50.00
Parking where prohibited	\$25.00	\$50.00
Parking in handicapped parking space when prohibited	\$100.00	\$200.00
Parking commercial and/or recreational vehicle or container/dumpster in residential zone	\$25.00	\$50.00

- F. *Failure to respond; summons and arrest.* Any vehicle owner who fails to respond to a notice of violation, either by paying the stipulated fines or by filing a request for review or hearing with the Director of Finance and Budget within 10 days, is subject to summons and arrest pursuant to Virginia Code § 46.2-941.

(10-11-89; Ord. of 6-9-93; Code 1988, § 12-9.1; § 9-118, Ord. 98-A(1), 8-5-98; Ord. 08-9(1), 12-3-08; Ord. 20-9(1), 3-18-20; § 9-116, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code §§ 46.2-1222 to 46.2-1225.

Sec. 9-117 Compliance with chapter; penalty for violation of chapter.

Failure to comply with this chapter, or a rule or regulation adopted under it, for which no other penalty is provided, is a traffic infraction punishable by a fine of not more than \$250.00.

(Code 1967, § 12-14; 8-11-76; 4-13-88; Code 1988, § 12-9; § 9-119, Ord. 98-A(1), 8-5-98; § 9-117, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 46.2-113.

ARTICLE 2. SNOW ROUTES

Sec. 9-200 Snow routes designated; posting.

The portions of U. S. Route 29, U. S. Route 29A and U. S. Route 250 within the County, and all of Route 240 beginning at the eastward intersection with Route 250 and terminating at the westward intersection with Route 250 are snow routes. The County Executive shall post appropriate notice.

(Code 1967, § 12-85; Code 1988, § 12-14; § 9-300, Ord. 98-A(1), 8-5-98; § 9-200, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1302.

Sec. 9-201 Obstruction of highway due to lack of snow tires or chains.

It is a violation of this article to obstruct or impede traffic on a snow route with a vehicle that is not equipped with snow tires or chains.

(Code 1967, § 12-86; Code 1988, § 12-15; § 9-301, Ord. 98-A(1), 8-5-98; § 9-201, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1302.

Sec. 9-202 Abandonment of vehicles so as to block highways prohibited.

It is a violation of this article to park or abandon a vehicle on a snow route in a manner that impedes or obstructs traffic or the removal of snow, sleet, or ice.

(Code 1967, § 12-87; 4-21-76; Code 1988, § 12-16; § 9-302, Ord. 98-A(1), 8-5-98; § 9-202, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1302.

Sec. 9-203 Removal of vehicles.

The Chief of Police may remove and store a vehicle that is on a snow route in violation of this article.

(Code 1967, § 12-88; Code 1988, § 12-17; § 9-303, Ord. 98-A(1), 8-5-98; § 9-203, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1302.

Sec. 9-204 Penalty.

A violation of a provision of this article is punishable by a fine of no more than \$50.00. This penalty only applies to snow routes on which the notice required by section 9-200 was posted when the violation occurred.

(Code 1967, § 12-89; Code 1988, § 12-18; § 9-304, Ord. 98-A(1), 8-5-98; § 9-204, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1302.

ARTICLE 3. INOPERABLE VEHICLES

Sec. 9-300 Definitions.

The following definitions apply to this article:

- A. *Cover* means a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the rural areas (RA) zoning district, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view.
- B. *Inoperable vehicle* means any motor vehicle, trailer, or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than sixty (60) days.
- C. *Parcel* means a parcel of land that is neither “public property,” a “public highway,” nor a “public roadway” as those terms are used in Albemarle County Code § 9-113.

- D. *Shielded or screened from view* means that the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-500, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-300, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 15.2-905.

Sec. 9-301 Unscreened or unshielded inoperable vehicles are prohibited.

It is unlawful for any person to keep an inoperable vehicle on any parcel used or zoned for agricultural, residential, commercial, or industrial purposes, except within a fully enclosed building or structure, subject to the following:

- A. *Parcels in the rural areas (RA) zoning district.* On any parcel in the rural areas (RA) zoning district, no more than two inoperable vehicles may be parked or stored outside of a fully enclosed building and each vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered.
- B. *Parcels in any residential zoning districts.* On any parcel in a residential zoning district, including the Downtown Crozet District (DCD) and the residential sections of any planned development or form-based zoning district, no more than one inoperable vehicle may be parked or stored outside of a fully enclosed building and the vehicle parked or stored outside of a fully enclosed building must be shielded or screened from view or be covered; provided that up to two inoperable vehicles may be parked or stored outside of a fully enclosed building if the person demonstrates that they are actively restoring or repairing one of the vehicles within a consecutive 180 day period, the second vehicle is being used for the restoration or repair, and each vehicle parked or stored outside of a fully enclosed building is shielded or screened from view or is covered; the 180 day period may be extended by the zoning administrator upon the person demonstrating to the satisfaction of the zoning administrator that more than 180 days is required to actively restore or repair the vehicle.
- C. *Authorized businesses in commercial, industrial or other zoning districts.* Subsections (A)(1) and (A)(2) do not apply to any licensed business regularly engaged in business as an automobile dealer, salvage dealer, scrap processor, or public garage that is operated in compliance with this chapter, including any such business operating as a lawful nonconforming use under County Code Chapter 18; provided that on any parcel in any commercial or industrial zoning district, including the commercial and industrial sections of any planned development or form-based zoning district, and on any parcel in any other zoning district in which any such a use has been authorized by special use permit, no inoperable vehicle may be parked or stored outside of a fully enclosed building except in the location designated for that use on an approved site plan.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-501, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-301, Ord. 21-9(1), 8-4-21)

State law reference--Va. Code § 15.2-905.

Sec. 9-302 Removal and disposition of inoperable vehicles.

Inoperable vehicles may be removed and must be disposed of as follows:

- A. *Removal by the landowner.* The owners of a parcel used or zoned for residential purposes, or zoned for commercial or agricultural purposes shall, at such time or times as the zoning administrator prescribes, remove any inoperable motor vehicles that are not authorized to be parked or stored outside of a fully enclosed building or structure as provided in County Code § 9-301.
- B. *Removal and disposal by the County.* The Zoning Administrator may remove any inoperable motor vehicle whenever the owner of the parcel, after reasonable notice provided by the Zoning Administrator, has failed to remove the inoperable motor vehicle as provided in section (A). If the Zoning Administrator removes an inoperable motor vehicle, the vehicle may be disposed after giving additional notice to the owner of the vehicle.

- C. *Recovery of county cost of removal and disposal.* The cost of removing and disposing an inoperable motor vehicle by the Zoning Administrator is chargeable to the owner of the vehicle or the owner of the parcel from which the inoperable vehicle was removed and may be collected as taxes are collected. Every cost with which the owner of the parcel from which the inoperable vehicle was removed has been assessed constitutes a lien against the parcel from which the vehicle was removed. The lien shall continue until actual payment of the costs has been made to the county.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-502, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-302, Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code § 15.2-905.

Sec. 9-303 Administration.

The Zoning Administrator is designated as the official authorized to administer and enforce this article.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; § 9-503, Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14; § 9-303, Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code §§ 15.2-905.

ARTICLE 4. SPEED LIMITS

Sec. 9-400 Authority to establish on certain subdivision roads.

The County Executive is authorized to establish, increase, or decrease the speed limits on the following roads:

- A. *Speed limits on public roads not in the secondary state highway system.* Roads within subdivisions that are platted under Virginia Code Title 15.2, Chapter 22 (Virginia Code § 15.2-2200 *et seq.*) and that are dedicated to public use. This section does not apply to roads that are part of the Virginia Secondary System of Highways.
- B. *Speed limits on private roads open to the public.* Roads within subdivisions that are platted under County Code Chapter 14 or any predecessor chapter regulating the subdivision of land, provided that any such road is open to the public, has not been accepted into the secondary state highway system pursuant to Virginia Code Title 33.2, and provides a through connection between two roads in the secondary state system of highways.
- C. *Engineering and investigation; posting.* Any speed limit established, increased, or decreased under this section must be based on an engineering and traffic investigation, and the County Executive must post markers or signs giving notice of the speed limits.

(Ord. of 6-13-90; Ord. of 12-15-93; Code 1988, § 12-41; § 9-600, Ord. 98-A(1), 8-5-98; § 9-400, Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code §§ 46.2-1300 *et seq.*

Sec. 9-401 Private roads designated highways.

The following private roads are designated as highways for law enforcement purposes:

- A. Greenbrier Drive within the subdivision of Townwood;
- B. West Leigh Drive within the subdivision of West Leigh.

(Ord. of 12-15-93; Code 1988, § 12-41.1; § 9-601, Ord. 98-A(1), 8-5-98; Ord. 98-9(1), 8-5-98; § 9-401, Ord. 21-9(1), 8-4-21)

State law reference-- Va. Code §§ 46.2-1307.

Sec. 9-402 Violations.

Upon the posting of the notice required under Section 9-400, violation of any such speed limit is punishable the same as under the Virginia Code.

(Ord. of 6-13-90; Code 1988, § 12-42; § 9-602, Ord. 98-A(1), 8-5-98; § 9-402, Ord. 21-9(1), 8-4-21)

ARTICLE 5. VIDEO-MONITORING SYSTEM

Sec. 9-500 Definitions.

As used in this article, "video-monitoring system" has the same meaning as in Virginia Code § 46.2-844. (§ 9-800, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-500, Ord. 21-9(1), 8-4-21)

Sec. 9-501 School division authorized to install and operate video-monitoring systems.

- A. *Authorization.* The school division may install and operate video-monitoring systems in or on its school buses, consistent with Virginia Code § 46.2-844.
- B. *Private entities.* The school division may enter into agreements with private entities to provide video-monitoring systems and related support services. However, only a County law enforcement officer may issue a civil summons or notice of violation under this article.
- C. *Restricted collection of information.* A video-monitoring system operated under this article shall only collect the information referred to in Virginia Code § 46.2-208(B)(30).
- D. *Enforcement.* Enforcement of a violation of this article shall be as provided in Virginia Code § 46.2-844

(§ 9-801, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-501, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-844

Sec. 9-502 Civil penalty.

Any violation of Virginia Code § 46.2-844 is subject to a civil penalty of \$250.00, payable to the County of Albemarle.

(§ 9-802, Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19; § 9-502; Ord. 21-9(1), 8-4-21)

ARTICLE 6. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, MOTORIZED SKATEBOARDS OR SCOOTERS, AND MOPEDS

Sec. 9-600 Riders subject to traffic laws and other laws pertaining to vehicle operation.

Every person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a highway is subject to this chapter, unless the context indicates otherwise.

(§ 9-900, Ord. 19-9(2), 12-18-19; § 9-600; Ord. 21-9(1), 8-4-21)

State law reference – Similar provisions, Va. Code § 46.2-800

Sec. 9-601 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.

- A. It is a violation of this chapter to park a bicycle, electric power-assisted bicycle, or motorized skateboard, or scooter:
 - 1. upon the street, other than upon the roadway against the curb, or in a corral marked and designated for the purpose;
 - 2. upon the sidewalk, other than in a rack to support the vehicle, or attached to a street sign or light post, or at the curb or the back edge of the sidewalk;
 - 3. where it would obstruct curb ramps, pedestrian access within bus stops, or fire access;

4. upon any public right-of-way, other than a street or sidewalk, except in a location specifically designated through signage or provision of racks.
- B. Bicycles, electric power-assisted bicycles, motorized skateboards, and scooters must be parked upright, in a manner that affords the least obstruction to pedestrian and vehicular traffic.
- C. Violations of this section are subject to a civil penalty of not more than \$50.00.

(§ 9-901, Ord. 19-9(2), 12-18-19; § 9-601, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-602 Riding on handlebars.

No person riding a bicycle, electric power-assisted bicycle, motorized skateboard, scooter, or moped shall permit a person to ride on the handlebars. No person shall ride on a bicycle, electric power-assisted bicycle, motorized skateboard, scooter, or moped's handlebars.

(§ 9-902, Ord. 19-9(2), 12-18-19; § 9-602, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-603 Riding with more than one person on a motorized skateboard or scooter.

No more than one person shall ride a motorized skateboard or scooter at a time.

(§ 9-903, Ord. 19-9(2), 12-18-19; § 9-603, Ord. 21-9(1), 8-4-21)

State law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-604 Report of certain vehicle accidents.

The rider of a bicycle, electric power-assisted bicycle, motorized skateboard, or scooter shall report any accident involving bodily injury or damage of \$50.00 or more to the Chief of Police within 48 hours. The Chief of Police shall keep records of all such accidents, which must include the location and nature of the accident.

(§ 9-904, Ord. 19-9(2), 12-18-19; § 9-604, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-605 Disposition of unclaimed bicycles, mopeds, and other vehicles.

Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard, scooter, or moped that remains unclaimed in the possession of the police department for more than 30 days, and that is not owned by a Dockless Mobility Business operating under a permit issued pursuant to article 7, may be disposed of as provided in County Code § 2-502 or as provided in Virginia Code § 15.2-1720.

(§ 9-905, Ord. 19-9(2), 12-18-19; § 9-605, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 15.2-1720.

ARTICLE 7. PERMIT PROGRAM FOR DOCKLESS MOBILITY DEVICES FOR HIRE

Sec. 9-700 Purpose and persons covered.

- A. This article establishes a permit program that regulates Dockless Mobility Services. This article shall be interpreted to:
 1. Ensure that Dockless Mobility Services are consistent with the health, safety, and welfare of the public, and with accessibility of public rights-of-way by bicyclists, pedestrians, and people with disabilities;
 2. Reduce single-occupancy vehicle use; and

3. Improve the mobility, safety, and equity of the County's transportation network.

- B. Persons who provide or apply to provide Dockless Mobility Service within the County are subject to this article.

(§ 9-1000, Ord. 19-9(2), 12-18-19; § 9-700, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-701 Definitions.

The following definitions apply to this article:

- A. *Dockless Mobility Device* means a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter, as those terms are defined in the Code of Virginia.
- B. *Dockless Mobility Business* a person who offers, or applies to offer, Dockless Mobility Devices for-hire on public rights-of-way. Transportation services operated by the State or its political subdivisions are not Dockless Mobility Businesses.
- C. *Dockless Mobility Service* means the service provided by a Dockless Mobility Business.

(§ 9-1001, Ord. 19-9(2), 12-18-19; § 9-701, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-702 Permit requirement.

No person may provide Dockless Mobility Services without obtaining a permit under this article.

(§ 1002, Ord. 19-9(2), 12-18-19; § 9-702, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-703 County Executive authorized to promulgate regulations.

The County Executive shall administer the permit program, adopt regulations setting forth the requirements applicable to Dockless Mobility Businesses, and establish reasonable fees, charges, and penalties in connection with the permit program. The regulations may include a requirement for insurance coverage, bond payment, and indemnification.

(§ 9-1003, Ord. 19-9(2), 12-18-19; § 9-703, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-704 Maximum fleet size.

The County Executive may establish a maximum number of Dockless Mobility Devices allowed to operate under this permit program.

(§ 9-1004, Ord. 19-9(2), 12-18-19; § 9-704, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-705 Review of permit applications.

- A. The County Executive shall evaluate each permit application and notify the applicant in writing whether the application has been approved or denied. In evaluating an application, the County Executive shall consider the aggregate demand for services and any goal articulated in the Comprehensive Plan or Strategic Plan.
- B. An applicant must state how many Dockless Mobility Devices it requests approval for. The County Executive shall consider the request but may approve whatever number deemed appropriate. The County Executive may subsequently increase or decrease a Dockless Mobility Business's number

of approved devices for any reason mentioned in this section or in connection with the enforcement of any regulation adopted under this article.

(§ 9-1005, Ord. 19-9(2), 12-18-19; § 9-705, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-706 Suspension or revocation of permits.

The County Executive may revoke or suspend a permit for a violation of this article or a regulation adopted under this article.

(§ 9-1006, Ord. 19-9(2), 12-18-19; § 9-706, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.

Sec. 9-707 Appeals.

The County Executive shall establish an administrative process for any Dockless Mobility Business to appeal the denial of an application, the suspension or revocation of a permit, or any change in the number of approved devices under a permit.

(§ 9-1007, Ord. 19-9(2), 12-18-19; § 9-707, Ord. 21-9(1), 8-4-21)

State law reference – Va. Code § 46.2-1315.