

ACTIONS		
Board of Supervisors Meeting of July 20, 2022		
		July 21, 2022
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present with the exception of Ms. LaPisto-Kirtley who participated remotely. Also present were Jeff Richardson, Cynthia Hudson, Claudette Borgersen and Travis Morris. 		Link to Video
<ul style="list-style-type: none"> By a vote of 5:0, APPROVED request to allow Supervisor LaPisto-Kirtley to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, given that she is unable to attend the meeting in person due to a medical condition. 		
4. Adoption of Final Agenda. <ul style="list-style-type: none"> Pulled October 21 and October 28, 2020, minutes from the consent agenda. By a vote of 6:0, ADOPTED final agenda as amended. 		
5. Brief Announcements by Board Members. <u>Jim Andrews:</u> <ul style="list-style-type: none"> Commented on a new peer-review study from Yale about average climate models and encouraged the Board to consider stormwater management and other issues related to the study. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Reported that community building after COVID is well underway. Mentioned that she and Stacy Pethia attended a recent High Growth Coalition meeting, which focused on affordable housing. Commented that this year's Governor's case contained six wines out of 12 from the Monticello Wine Trail. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> Mentioned that County Attorney Steve Rosenberg will start on July 27. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Reminded community members that, as of the previous Sunday, there was a mental health crisis number to use, which was 988. <u>Donna Price:</u> <ul style="list-style-type: none"> Commented that she appreciated the Board approving a missed meeting in July to allow County staff to have a vacation after 2.5 years of the pandemic, Remarked that the previous week she had the opportunity to visit the Van der Linde Recycling Center in Fluvanna County and learned that 82% of what went to the landfill was eligible for recycling and encouraged the County to continue to work towards improving the volume of materials sent to the dump. Commented on climate history and asked community members be careful to do what 		

	<p>they could to try and reduce their heat footprint.</p> <ul style="list-style-type: none"> Commented on the COVID-19 surge in Europe and the growing concern regarding monkeypox. Expressed appreciation for the work that Ms. Cynthia Hudson performed since April 1 as their interim acting County Attorney. 		
7.	<p>From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <u>The following individuals spoke towards agenda item #12 SE202200018 Kindrick Farm Clean Fill Area.</u> <ul style="list-style-type: none"> <u>Brian McCay</u> <u>Tim Kindrick</u> <u>The following individuals spoke toward a potential recycling convenience center at the old Keene Landfill site in southern Albemarle.</u> <ul style="list-style-type: none"> <u>Barb West</u> <u>Laurel Davis</u> <u>Hal West</u> 		
8.2	<p>Building Reuse Grant Policy Update.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving the updated Building Reuse Grant Policy. 	<u>Clerk</u> : Forward copy of signed resolution Economic Development Office and County Attorney's office. (Attachment 1)	
9.	<p>Requests for Housing Fund Support.</p> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the additional allocations for the Southwood Apartments and the Master Leasing for Resident Relocation Efforts from the FY2023 Housing Fund Reserve at the recommended funding levels. 	<u>Stacy Pethia</u> : Proceed as approved.	
10.	<p>North Garden Volunteer Fire Company Capital Project Conditional Donation and Loan Request.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution authorizing the County Executive to execute the conditional donation and loan agreements with North Garden Volunteer Fire Company. 	<u>Clerk</u> : Forward copy of signed resolution to Fire/Rescue and County Attorney's office. (Attachment 2)	
11.	<p>SE 2022-25 1213 Tilman Road Cottage Homestay. (<i>Samuel Miller District</i>)</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve the special exception, subject to the conditions attached thereto. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	
	Recess. At 2:15 p.m., the Board recessed and reconvened at 2:25 p.m.		
12.	<p>SE202200018 Kindrick Farm Clean Fill Area. (<i>White Hall District</i>)</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to deny the exception application. 	<u>Clerk</u> : Forward copy of signed resolution to County Development and County Attorney's office. (Attachment 4)	
13.	<p>Presentation: Transportation Planning Quarterly Report.</p> <ul style="list-style-type: none"> RECEIVED. 		
	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson</u>:</p> <ul style="list-style-type: none"> Presented the County Executive's monthly report. 		
14.	Closed Meeting.		

<ul style="list-style-type: none"> • At 4:17 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 appointments to various boards and commissions; • Under Subsection (3) to discuss the disposition of publicly held real property in various areas of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; • Under Subsection (6) to discuss and consider the investment of public funds involving Darden Towe Park where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; • Under Subsection (7) to receive a briefing from and consult with legal counsel regarding matters pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and • Under Subsection (8) to consult with legal counsel employed or retained by the County regarding specific legal matters pertaining to certain County documents and requiring the advice of counsel. 		
<p>15. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:08 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>16. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED, Ms. Tammy Johnston to the Community Policy and Management Team (CPMT) as the Private Service Provider representative with said term to expire June 5, 2025. • APPOINTED, Mr. Jeff Morrill to the Economic Development Authority as the Samuel Miller District representative to fill an unexpired term ending January 19, 2024. • APPOINTED, Mr. Matthew Lawless to the Economic Development Authority as the Scottsville District representative to fill an unexpired term ending January 19, 2024. • APPOINTED, Mr. Jay James to the Jail Authority to fill an unexpired term ending August 6, 2023. • REAPPOINTED, Ms. Chanley Sage Bradburn to the Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire May 31, 2026. • APPOINTED, Mr. Kendall Dix to the Solid Waste Alternatives Advisory Committee (SWAAC) with said term to expire May 31, 2026. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>17. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • Held earlier on the agenda. 		
<p>18. From the Public: Matters on the Agenda but</p>		

<p>Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • <u>Judy Schlusel</u>, Rio District resident, spoke towards AC44 (Albemarle County 2044) Working Troup. • <u>Kent Schlusel</u>, Rio District resident, spoke towards the importance of trees on the environment. • <u>Elliott Harding</u>, resident of the City of Charlottesville, spoke towards the euthanasia of Niko the dog. • <u>Mason Pickett</u>, Rio District resident, commented on the Boards three-minute speaking limit. • <u>Maddie Wells</u>, County resident. spoke towards the euthanasia of Niko the dog. 		
<p>19. Action Item: Public Safety Operations Center Lease.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving a lease from Seminole Trail Properties, LLC of a portion of the property located at 1639 East Rio Road, and authorizing the County Executive to execute a lease in a form acceptable to the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services, and County Attorney's office. (Attachment 5)</p> <p><u>County Attorney:</u> Provide Clerk with copy of fully executed lease.</p>	
<p>20. <u>Pb. Hrg.: FY 2022 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve the appropriations #2022051; #2022052; and #2022053 for local government and school projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 6)</p>	
<p>21. <u>Pb. Hrg.: FY 2023 Budget Amendment and Appropriations.</u></p> <ul style="list-style-type: none"> • By a vote 6:0, ADOPTED resolution to approve to approve the appropriations #2023001; #2023002; #2023003; #2023004; #2023005; and #2023006 for local government and school projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's Office. (Attachment 7)</p>	
<p>22. <u>Pb. Hrg.: Ordinance to Amend County Code Chapter 12, Regulated Enterprises, to Reorganize the Chapter.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Police and County Attorney's office. (Attachment 8)</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"> • Requested an update on whether there was a role for the Board to reach out to support staff efforts to address issues with communications agencies. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Requested the Board receive an update on the consent agenda as to the status of the hiring progress positions approved for the new fiscal year. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Commented that she pulled the October 28, 2020, minutes because they did not have embedded in the minutes, as was legally required, when people arrived or left the meeting. She asked that page 8 be amended to add that Mr. Ryan left the 		

<p>meeting at 3:04 p.m. and on page 10 that Ms. Davis left the meeting at 3:18 p.m.</p> <ul style="list-style-type: none"> • By a vote of 5:0 (Andrews) APPROVED the October 28 minutes. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Commented on the importance of workforce stabilization. <p><u>Bea La-Pisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Asked staff to look into keeping parks and lakes open without lifeguards. 		
<p>25. Adjourn to August 3, 2022, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 7:22 p.m. 		

ckb/tom

Attachment 1 – Resolution Approving the EDA Revised Building Reuse Grant Policy

Attachment 2 – Resolution to Authorize County Executive to Execute Conditional Agreement with the NGVFC

Attachment 3 – Resolution to Approve SE2022-00025 1213 Tilman Road Cottage Homestay

Attachment 4 – Resolution to Deny SE2022-00018 - 4394 Carriage Hill Drive (Kindrick Fill Area)

Attachment 5 – Resolution to Approve A Lease of 1639 Rio Road East for Public Safety Operations Center

Attachment 6 – Resolution to Approve Additional FY 2022 Appropriations

Attachment 7 – Resolution to Approve Additional FY 2023 Appropriations

Attachment 8 – Ordinance No. 22-12(2)

**RESOLUTION APPROVING THE EDA REVISED
BUILDING REUSE GRANT POLICY**

WHEREAS, on October 19, 2021, the Board and the Economic Development Authority held their joint meeting and expressed support and interest in creating a Building Reuse Grant to assist growing businesses that could not find suitable commercial or industrial space within the County;

WHEREAS, the Economic Development Authority created a draft Building Reuse Grant Policy that included criteria identified by the Board to be administered by the Economic Development Authority;

WHEREAS, the Board of Supervisors approved the first draft of the Building Reuse Grant Policy on May 18, 2022;

WHEREAS, staff realized that the Town of Scottsville is not within a Development Area in the Comprehensive Plan and would be ineligible under the Building Reuse Grant Policy; and

WHEREAS, the Economic Development Authority supported a revised draft Building Reuse Grant Policy that includes the Town of Scottsville at its June 21, 2022, meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, hereby approves the revised Building Reuse Grant Policy (Attachment A).

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE CONDITIONAL DONATION
AND LOAN AGREEMENT WITH THE NORTH GARDEN VOLUNTEER FIRE COMPANY**

WHEREAS, the North Garden Volunteer Fire Company, Inc. is undertaking a building expansion and improvement project. The approximate \$2.5M project will expand the current structure providing a decontamination area for firefighters returning from active calls, improving firefighter staffing areas including overnight housing quarters and exercise areas, as well as improvements to ensure the building is ADA compliant; and

WHEREAS, the North Garden Volunteer Fire Company, Inc. funded over \$1.3M of the design and construction costs and is requesting financial support from the County to fully fund the project; and

WHEREAS, the County recognizes North Garden Volunteer Fire Company's contribution to the County's Coordinated Fire and Rescue System and desires to support the construction project.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute all necessary documents to make a \$585,364 conditional donation and a 0% interest loan maximum of \$650,000 loan to the North Garden Volunteer Fire Company, Inc. for its building expansion and improvement project, provided the agreements are approved as to form and content by the County Attorney.

**RESOLUTION TO APPROVE SE2022-00025
1213 TILMAN ROAD COTTAGE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00025 1213 Tilman Road Cottage 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 18-33.9, the Albemarle County Board of Supervisors hereby finds that that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement, and that the proposed special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the 1213 Tilman Road Cottage Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to reduce the required setbacks for a homestay use, subject to the conditions attached hereto.

* * * * *

SE2022-00025 1213 Tilman Road Cottage Homestay Conditions

1. Parking for homestay guests must meet the requirements for homestays as outlined in County Code § 18-5.1.48(b) (Attachment C).
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Exhibit dated June 28, 2022, or to additional structures or additions meeting the setbacks required for homestays.

**RESOLUTION TO DENY SE2022-00018 –
4394 CARRIAGE HILL DRIVE (KINDRICK FILL AREA)**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE202200018, 4394 Carriage Hill Drive (Kindrick Fill Area) application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the exception in Albemarle County Code § 18-5.1.28 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would not satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement, and that the proposed exception:

- (i) would not be consistent with an approved and valid initial or preliminary site plan or any other land use decision of the County;
- (ii) would not be of limited duration (less than 90 days) and/or would involve more than 10,000 cubic feet of fill within any 12 months,

NOW, THEREFORE, BE IT RESOLVED, that in association with the SE202200018, 4394 Carriage Hill Drive (Kindrick Fill Area), the Albemarle County Board of Supervisors hereby denies the application for an exception from all requirements of Albemarle County Code § 18-5.1.28.

**RESOLUTION TO APPROVE A LEASE OF 1639 RIO ROAD EAST
FOR PUBLIC SAFETY OPERATIONS CENTER**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a lease of property located at 1639 Rio Road East, Charlottesville, VA 22901, for a Public Safety Operations Center;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves entering into a lease of property located at 1639 Rio Road East, Charlottesville, VA 22901, for a Public Safety Operations Center, and authorizes the County Executive to execute the lease on behalf of the County after approval as to form and substance by the County Attorney, and contingent on approval of an appropriation by the Board of Supervisors to appropriate the required funding.

**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 \$7,981,997;
- 2) That Appropriations #2022051; #2022052; and #2022053 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 TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 23 Budget is amended to increase it by \$9,283,889;
- 2) That Appropriations #2023001; #2023002; #2023003; #2023004; #2023005; and #2023006; 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, 2023.

ORDINANCE NO. 22-12(2)

AN ORDINANCE TO AMEND CHAPTER 12, REGULATED ENTERPRISES, 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 12, Regulated Enterprises, is hereby amended and reordained as follows:

By Amending:

- 12-101 Definitions.
- 12-102 Registration of alarm systems designed to seek a police response.
- 12-103 Maintenance of alarm systems required; disconnection of alarm systems.
- 12-104 False alarms prohibited; service fees.
- 12-105 Deliberate false alarms a criminal offense.
- 12-106 Automatic dialing devices prohibited; penalty.
- 12-108 Appeals.

By Amending and Renumbering:

- 12-200 Definitions.
- 12-201 Permit--Required.
- 12-202 Permit--Procedure for obtaining; term; renewal.
- 12-203 Permit--Nontransferable and to be displayed.
- 12-204 Permit--False statements.
- 12-205 Dealer's bond or letter of credit.
- 12-206 Private action on bond or letter of credit.
- 12-207 Penalties.
- 12-208 Records, copies of bills of sale required; inspection.
- 12-209 Examination of record and property; seizure of stolen property.
- 12-210 Prohibited purchases.
- 12-211 Dealer to retain purchases.
- 12-212 Record of disposition.
- 12-300 Definitions.
- 12-301 Exempt activities.
- 12-302 Registration required.
- 12-303 Permits--standards for issuance or denial.
- 12-304 Permits--Fees.
- 12-305 Prohibited acts.
- 12-306 Penalty.

By Repealing:

- 12-200 Dance hall; defined.
- 12-201 Permits--Required; applications.
- 12-202 Revocation of permit.
- 12-203 Attendance of persons under eighteen years of age.
- 12-204 Exemptions.
- 12-205 Violations; penalties.
- 12-206 Relation of article to zoning ordinance.
- 12-207 Local ordinance adopted.
- 12-208 Limitation on bingo operations.
- 12-209 Exemption.
- 12-500 Definitions.
- 12-501 Registration of vehicles for hire.
- 12-502 Registration of drivers.
- 12-503 Exemptions.
- 12-504 Indemnity bond or liability insurance required.
- 12-505 Cleanliness of vehicles.
- 12-506 Enforcement and penalties.

CHAPTER 12. REGULATED ENTERPRISES

ARTICLE 1. FALSE ALARMS

Sec. 12-100 Purpose.

The Board of Supervisors hereby finds that malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of County citizens. False alerts of intrusions or robberies increase the County's public safety costs, divert public safety resources from other critical areas of work, and burden the Charlottesville-U.Va.-Albemarle Emergency Communications Center. In order to preserve the integrity and efficiency of the County's police and fire and rescue emergency services, those who utilize automatic alarm systems must be required to maintain those systems in good working order and to promptly repair any defects which may cause those systems to trigger false alarms.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 22-12(1), 3-16-22)

Sec. 12-101 Definitions.

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the following meanings:

Alarm system means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which a police or fire and rescue response is expected.

Alarm system user means: (1) any person or entity owning or leasing an alarm system; or (2) any person or entity owning or leasing the premises on which such alarm system is maintained. An "alarm system user" shall not include the United States, the Commonwealth of Virginia, or their respective agencies or political subdivisions.

Automatic dialing device means any device, system or equipment that automatically transmits over telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation to which a police, fire, or emergency medical services response is expected.

Emergency communications center means the regional 911 center known as the Charlottesville-U.Va.-Albemarle Emergency Communications Center.

False alarm means an alarm that causes a police or fire and rescue response when there is no actual or threatened hazard requiring urgent police or fire and rescue attention. False alarms include--negligently or accidentally activated signals; signals that are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals that are purposefully activated to summon a police or fire and rescue response in situations not requiring an immediate police or fire and rescue response; and alarms for which the actual cause is not determined. False alarms shall not include any alarms caused by failure of the equipment at the emergency communications center, any alarms determined by the responding police or fire and rescue officer to have been triggered by criminal activity, or any alarms caused by a disruption of electrical service to the building for four consecutive hours or longer, or damage to the building that would activate the alarm.

(Ord. of 4-17-91; Code 1988, § 2.2-1; Ord. 98-A(1), 8-5-98; § 12-100; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15; Ord. 22-12(1), 3-16-22)

State law reference--Va. Code § 15.2-911

Sec. 12-102 Registration of alarm systems designed to seek a police response.

A. *General requirements.* Before installing, using or maintaining on any premises within the County an alarm system that is designed to seek a police response, an alarm system user shall register such alarm system by providing the following information, using forms provided by the County, to the Chief of Police or his designee:

1. The street address of the premises at which the alarm system is to be installed or used (the "premises"); the name, mailing address and telephone number of the owner and lessee, if any, of such premises; and the name and mailing address of an individual (alarm user or designee of the alarm user) to whom notices regarding the alarm system may be sent; and
2. The names, street addresses and telephone numbers of at least two individuals who will have day-to-day responsibility for the premises and alarm system, who will be immediately available to be contacted if an alarm is activated, and who are authorized and able to deactivate the alarm system; and

3. A description of the specific type of alarm system, manufacturer's name, and the name and telephone number of the alarm company monitoring, responding to or maintaining the alarm system; and
 4. If registering an alarm system that has been disconnected or disabled following a notice to disconnect or disabled issued pursuant to County Code § 12-103, documentation that the alarm system has been repaired or passed inspection by an individual or entity qualified to repair or inspect alarm systems.
- B. *Changes in alarm system registration information.* Whenever any registration information provided by an alarm system user pursuant to subsection (A) changes, the alarm system user shall provide correct, updated information to the Chief of Police within 10 business days of the change. When an individual or entity takes possession of premises equipped with an activated alarm system, the individual or entity must provide updated registration information within 10 business days of taking possession as required by subsection (A).
- C. *Failure to register alarm system.* Upon the first police or fire and rescue response to an unregistered alarm system in response to a signal issued by the alarm system, a written notice shall be issued to the alarm system user that the alarm system must be registered. This notice shall be mailed to the physical address of the dwelling where the alarm system is located and to the address of the owner listed in the real estate tax assessment records of the County. If the physical address of the alarm system user is the same as the address of the owner listed in the real estate tax assessment records of the County, then only one notice shall be mailed. The alarm system user shall be assessed a service fee in the amount of \$150.00. The fee for the first offense may be waived if the alarm system user files an appeal pursuant to County Code § 12-108, and presents satisfactory evidence that the alarm system has been registered. Upon the second or subsequent police or fire and rescue response caused by an unregistered alarm system, the alarm system user shall be assessed a service fee in the amount of \$150.00.
- D. Registration of an alarm system does not create an obligation upon police or fire and rescue to respond to a notification from that alarm system.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15; Ord. 22-12(1), 3-16-22)

Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems.

- A. *Maintenance of alarm systems.* Alarm system users shall maintain their alarm systems in good working order. The Chief of Police or the Chief of Fire and Rescue may suspend dispatches to the location of an alarm system after the second false alarm generated within a 24-hour period. The suspension shall last for the following twenty-four hour period.
- B. *Disconnection of alarm systems* Upon notice of a written determination by the Chief of Police or the Chief of Fire and Rescue, that the installation, use, operation, or maintenance of an alarm system would constitute an unreasonable burden on police or fire and rescue resources, that alarm system user shall disable the alarm system. Any alarm system that generates eight or more false alarms within any four day period is deemed an unreasonable burden on police or fire and rescue resources. An alarm system user required to ~~or~~ disable an alarm system may register a new or repaired alarm system, in accordance with County Code § 12-102.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 22-12(1), 3-16-22)

Sec. 12-104 False alarms prohibited; service fees.

- A. *Prohibition.* No alarm system user or other person shall activate a false alarm that causes a police or fire and rescue response. Violations of this section shall result in the assessment of service fees as provided below.
- B. *Service fee amounts.* Alarm system users shall pay a service fee for false alarms within 90 days of billing. The service fee shall be assessed for each false alarm during any 12 month period as follows:
1. First false alarm: No charge.
 2. Second false alarm: No charge.

3. Third false alarm: \$100.00.
4. Fourth false alarm: \$150.00.
5. Fifth false alarm: \$200.00.
6. Sixth and subsequent false alarms: \$300.00.

(Ord. of 4-17-91; Code 1988, § 2.2-4; Ord. 98-A(1), 8-5-98, § 12-101; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15; Ord. 22-12(1), 3-16-22)

State law reference--Va. Code § 15.2-911.

Sec. 12-105 Deliberate false alarms a criminal offense.

It shall be a class 1 misdemeanor for any person to knowingly and without just cause to activate a false alarm.

(Ord. of 4-17-91; Code 1988, § 2.2-2; Ord. 98-A(1), 8-5-98, § 12-102; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 22-12(1), 3-16-22)

State law reference--Va. Code § 27-97; false alarms, § 18.2-212, 18.2-461

Sec. 12-106 Automatic dialing devices prohibited; penalty.

No person or entity shall install, use, or maintain on any premises within the County any device that delivers, or causes to be delivered, any prerecorded voice message or coded signal to the emergency communications center or any department of the County. Violations of this section shall constitute a class 4 misdemeanor.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 22-12(1), 3-16-22)

Sec. 12-107 Administration.

The Chief of Police, the Chief of Fire and Rescue, in coordination with the Director of Finance, shall have joint responsibility for administering this article under the supervision of the County Executive.

(Ord. of 4-17-91; Code 1988, § 2.2-5; Ord. 98-A(1), 8-5-98, § 12-104; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 22-12(1), 3-16-22)

Sec. 12-108 Appeals.

Any fee imposed or notice to disable an alarm system under this article may be appealed in writing to the Chief of Police or the Chief of Fire and Rescue, as appropriate, within 30 days after the date of notice. Should the fee or notice be affirmed, the alarm system user may appeal the decision to the County Executive by a written appeal within 30 days of the date of the decision. The decision of the County Executive is final.

(Ord. of 4-17-91; Code 1988, § 2.2-6; Ord. 98-A(1), 8-5-98, § 12-105; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15; Ord. 22-12(1), 3-16-22)

ARTICLE 2. DEALERS IN PRECIOUS METALS

Sec. 12-200 Definitions.

The definitions in Virginia Code § 54.1-4100 apply to this article.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-1; § 12-300, Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11; § 12-200, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code §§ 54.1-4100.

Sec. 12-201 Permit--Required.

No person shall engage in the activities of a dealer, as defined in Virginia Code § 54.1-4100, without first obtaining a permit from the Chief of Police.

(11-12-80, § 1; 7-8-81; 11-14-84; Code 1988, § 5.1-2; § 12-301, Ord. 98-A(1), 8-5-98; § 12-201, Ord. 22-12(1), 3-16-22)

State law reference--Va. Code §§ 54.1-4108, 54.1-4111.

Sec. 12-202 Permit--Procedure for obtaining; term; renewal.

To obtain a permit, the dealer shall file with the Chief of Police an application and pay the application fee as required by Virginia Code § 54.1-4108 on the form provided by the Chief of Police.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-3; § 12-302, Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11; § 12-202, Ord. 22-12(1), 3-16-22)

State law reference-- Permitting process set out in Va. Code § 54.1-4108.

Sec. 12-203 Permit--Nontransferable and to be displayed.

The permit issued under this article is a personal privilege and is not transferable, nor will there be any abatement of the fee for a permit due to the dealer having exercised the privilege for a period of time less than that for which it was granted. The permit must at all times be displayed prominently on the business's premises.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-4; § 12-303, Ord. 98-A(1), 8-5-98; § 12-203, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code §§ 54.1-4108(D); 54.1-4111.

Sec. 12-204 Permit--False statements.

A permit issued upon an application containing a statement made with knowledge of its falsity is void from its issuance.

(11-12-80, § 1; 7-8-81; § 12-304, Code 1988, § 5.1-5; Ord. 98-A(1), 8-5-98; § 12-204, Ord. 22-12(1), 3-16-22)

Sec. 12-205 Dealer's bond or letter of credit.

- A. Before receiving a permit, a dealer shall provide a bond to the County, secured by a corporate surety authorized to do business in the Commonwealth, to be payable to the County in the penal sum of \$10,000.00, and conditioned upon due observance of the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the County in the sum of \$10,000.00.
- B. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-11; § 12-305, Ord. 98-A(1), 8-5-98; § 12-205, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4106.

Sec. 12-206 Private action on bond or letter of credit.

Any person aggrieved by a dealer's violation of the provisions of this article may bring

an action for recovery in any court of proper jurisdiction against that dealer and that dealer's surety, provided that recovery against the surety can be only for that amount of the judgment that is unsatisfied by the dealer.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-12; § 12-306, Ord. 98-A(1), 8-5-98; § 12-206, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4107.

Sec. 12-207 Penalties.

- A. Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, such person shall be guilty of a class 1 misdemeanor.
- B. Upon the first conviction by any court of a dealer for violation of any provision of this article, the Chief of Police may revoke his permit to engage in business as a dealer for a period of one year from the date the conviction becomes final. Revocation is mandatory for two years from the date that a second conviction becomes final.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, § 5.1-13; § 12-307, Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11; § 12-207, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4110; as to punishment for class 1 and 2 misdemeanors, see Va. Code § 18.2-11.

Sec. 12-208 Records, copies of bills of sale required; inspection.

- A. Every dealer shall keep at the dealer's place of business an accurate and legible record of each purchase of precious metals or gems, security arrangement, or transaction involving the removal of precious metals or gems from any manufacture article not then owned by the dealer. The record of each purchase or security arrangement must be retained by the dealer for not less than 24 months. These records shall set forth the following:
 - 1. A complete description of all precious metals or gems purchased, taken as security or removed from a manufactured article not then owned by the dealer, including the true weight of the precious metals or gems purchased or taken as security and all names, initials, serial numbers or other identifying marks or monograms appearing on each item in question; and
 - 2. The price for each item purchased or taken as security; and
 - 3. The date, time, and place of receiving the items purchased or taken as security; and
 - 4. The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, other identifying marks, and legible handwritten signature of the person selling the precious metals or gems; and
 - 5. Verification of the identification by the exhibition of a government-issued identification card, such as a driver's license or military identification card that contains a photograph of the seller and at least one other corroborating piece of identification. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon; and
 - 6. A statement of ownership from the seller; and
 - 7. A digital image of the form of identification used by the person involved in the transaction.
- B. The information required by paragraphs (1) through (5) of subsection (A) shall appear on each bill of sale, the form of which shall be provided by the Chief of Police. One copy of the form must be retained by the dealer, one copy must be delivered during regular work hours to the Chief of Police at the Chief's office within 24 hours of the purchase or loan or mailed to the Chief of Police within the same 24 hour period, and one copy must be delivered to the seller of the precious metals or gems or to the borrower. If the purchase or loan occurs on a Saturday, Sunday, or recognized holiday, then the delivery or mailing to the Chief of Police shall be made no later than 10:00 A.M. of the next regular workday.

(11-12-80, § 1; 7-8-81; 11-14-84; 4-13-88; Code 1988, §§ 5.1-6, 5.1-7; § 12-308, Ord. 98-A(1), 8-5-98; Ord. 13-12(1), 7-3-13; § 12-208, Ord. 22-12(1), 3-16-22)

State law reference--Va. Code § 54.1-4101.

Sec. 12-209 Examination of record and property; seizure of stolen property.

Each dealer and the dealer's employees shall admit the Chief of Police or any state or federal law enforcement official to the dealer's premises during regular business hours. The dealer and the dealer's employees shall permit the Chief of Police or other law enforcement official to: (i) examine all records required by this article and any article listed in those records which is believed by the officer or official to be missing or stolen; and (ii) search for and take into possession any article known to be missing or believed to be stolen.

(Code 1988, § 5.1-7; § 12-309, Ord. 98-A(1), 8-5-98; § 12-209, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4101.1.

Sec. 12-210 Prohibited purchases.

- A. No dealer shall purchase precious metals or gems from any seller who is under the age of 18.
- B. No dealer shall purchase precious metals or gems from any seller whom the dealer believes or has reason to believe is not the owner of the items, unless the seller has written and duly authenticated authorization from the owner permitting and directing their sale.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-8; § 12-310, Ord. 98-A(1), 8-5-98; § 12-210, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4103.

Sec. 12-211 Dealer to retain purchases.

- A. The dealer shall retain all precious metals or gems in the condition in which purchased for a minimum of 15 calendar days from the time of filing the bill of sale for their purchase with the-Chief of Police. During that period of time, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the County.
- B. If a dealer performs the service of removing precious metals and gems, the dealer shall retain the precious metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving the article and precious metals or gems.
- C. All items required to be retained hereunder must be retained at the location specified in the dealer's permit application. An agent of the dealer must be readily accessible throughout the applicable retention period to make the retained items available for inspection by the-Chief of Police or any state or federal law enforcement official.

(11-12-80, § 1; 7-8-81; 11-14-84; Code 1988, § 5.1-9; § 12-311, Ord. 98-A(1), 8-5-98; Ord. 11-12(1), 2-2-11; Ord. 13-12(1), 7-3-13; § 12-211, Ord. 22-12(1), 3-16-22)

State law reference--Similar provisions, Va. Code § 54.1-4104.

Sec. 12-212 Record of disposition.

Each dealer shall keep and maintain for at least 24 months an accurate and legible record of the name, address, and age of the person to whom the dealer sells any precious metal or gem in its original form after the waiting period required by County Code § 12-211 and shall require that person to verify that information by a government-issued identification card such as a driver's license or military identification card containing a photograph of the person and one other piece of corroborating means of identification. This record shall also show the name and address of the seller from whom the dealer purchased the item.

(11-12-80, § 1; 7-8-81; Code 1988, § 5.1-10; § 12-312, Ord. 98-A(1), 8-5-98; § 12-212, Ord. 22-12(1), 3-16-22)

State law reference--Va. Code § 54.1-4105.

ARTICLE 3. SOLICITORS AND PEDDLERS

Sec. 12-300 Definitions.

For the purpose of this article, the following words and phrases have the following meanings:

Solicitor means any individual, whether a resident of the County or not, who goes from door to door visiting single-family or multi-family dwellings, for the purpose of taking or attempting to take orders for sales of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future. This definition shall include any person who, for himself or for any other person, corporation or organization, hires, leases, uses or occupies any building, structure, lodging house, apartment, shop or any other place within the County for the sole purpose of exhibiting samples and taking orders for future delivery.

Peddler means any individual, whether a resident of the County or not, who goes from door to door transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who otherwise transports from place to place any goods, wares or merchandise and offers to sell or barter the same, or actually sells or barter the same. This definition incorporates the definition of the term "peddler" provided in Virginia Code § 58.1-3717(A), and the exemptions provided in Virginia Code § 58.1-3717(D), and other sections of the Code of Virginia with reference to peddlers generally.

(§ 12-400, Ord. 98-A(1), 8-5-98; § 12-300, Ord. 22-12(1), 3-16-22)

Sec. 12-301 Exempt activities.

Neither the term "solicitor" nor the term "peddler" shall be construed to include the following:

- A. Farmers or traveling gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.
- B. Vendors of milk, butter, eggs, poultry, fish, oysters, game, meat, ice, wood, charcoal, or other family supplies of a perishable nature.
- C. Salespersons or agents for wholesale houses or firms who solicit orders from or sell to retail dealers in the County for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.
- D. Children 18 years of age or younger, except when they are acting as agents of adults subject to this section.
- E. Route salespersons for laundry, dry cleaning, upholstery cleaning, garment storage, linen supply, towel supply, and diaper services operating from clearly identifiable vehicles, and newspaper delivery persons on a regular route.
- F. Persons who visit the residence or apartment of any person at the request or invitation of the owner or occupant thereof.
- G. Vendors or other persons otherwise licensed by the Commonwealth of Virginia under Title 38.2 of the Virginia Code.
- H. Members of any civic or charitable organization who have an approved means of identification provided by the organization represented.
- I. Persons 18 years of age or less who attend primary or secondary schools in the City of Charlottesville or the County and are soliciting in the furtherance of a school-sponsored activity.

(Code 1988, §§ 17-6, 17-1; § 12-401, Ord. 98-A(1), 8-5-98; § 12-301, Ord. 22-12(1), 3-16-22)

Sec. 12-302 Registration required.

All persons, before entering residential premises within the County for the purpose of soliciting or peddling, shall register with the Chief of Police and furnish the Chief with the following information:

- A. The applicant's name, local and permanent addresses, age, weight, height, color of hair and eyes, and any other distinguishing physical characteristics.

- B. The purpose for which solicitations will be made and the nature of the goods, wares, merchandise, or services offered for sale.
- C. The name and permanent address of the employer or organization represented.
- D. A statement as to whether the applicant has been convicted of any felony or misdemeanor, and if so, the nature of the offense, when and where convicted, and the penalty or punishment assessed therefor.
- E. The license plate number of the motor vehicle the applicant will use while soliciting in the County.

(4-13-88; Code 1988, § 17-2; § 12-402, Ord. 98-A(1), 8-5-98; § 12-302, Ord. 22-12(1), 3-16-22)

Sec. 12-303 Permits; standards for issuance or denial.

- A. Upon furnishing the information required under County Code § 12-302, and upon proof that the applicant has obtained the appropriate County business license and paid all applicable County business license taxes related to his activities as a solicitor or peddler, the applicant shall be issued a permit unless the Chief of Police finds that:
 - 1. The criminal record of the applicant shows that he or she has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony within the past 10 years;
 - 2. The applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations;
 - 3. The applicant has made a false, fraudulent or misleading material statement in his application;
 - 4. The applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling or canvassing; or
 - 5. The applicant has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving a fraud upon any person, whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.
- B. In the event of a denial of a permit, the Chief of Police shall, upon request, serve upon the applicant a written statement of facts and the reasons therefore.
- C. A permit issued under this section shall be valid for one year from the date of issuance, unless earlier revoked for the reasons outlined in paragraphs (1) through (5) of subsection (A), or for any of the reasons outlined as elsewhere provided in this chapter.
- D. Every solicitor or peddler shall carry the permit at all times while engaged in soliciting or peddling and shall display the permit to any person who requests to see the permit while the solicitor or peddler is engaged in soliciting or peddling pursuant to this article.

(4-21-76; Code 1988, § 17-3; § 12-403, Ord. 98-A(1), 8-5-98; § 12-303, Ord. 22-12(1), 3-16-22)

Sec. 12-304 Permits; fees.

Each permit applicant shall pay a fee of 10.00 to cover the costs of investigation of the applicant and processing the application. The fee shall be paid to the Chief of Police when the application is filed, and shall not be returnable under any circumstances.

(4-12-89; Code 1988, § 17-4; § 12-404, Ord. 98-A(1), 8-5-98; § 12-304, Ord. 22-12(1), 3-16-22)

Sec. 12-305 Prohibited acts.

No person shall:

- A. Enter into or upon a residential premises in the County under false pretenses to solicit for any purpose or for the purpose of soliciting orders or peddling for the sale of goods, wares, merchandise or services.
- B. Remain in or on any residential premises after the owner or occupant has requested any such person to leave.
- C. Enter upon any residential premises for soliciting or peddling when the owner or occupant has displayed a "No Soliciting" sign on such premises.
- D. Engage in the practice of soliciting in the County without a permit as provided for in this chapter.
- E. Knowingly give false information or fail to provide correct information in obtaining a permit.

(Code 1988, § 17-5; § 12-405, Ord. 98-A(1), 8-5-98; § 12-305, Ord. 22-12(1), 3-16-22)

Sec. 12-306 Penalty.

Any person who violates a provisions of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for the first offense by a fine of not less than \$100.00 and not more than \$1,000.00 or by confinement in jail for nor more than six months, or both, and for the second or any subsequent offense by a fine of not less than \$500.00 and not more than \$2,500.00 or by confinement in jail for not more than one year, or both.

State law references -- Va. Code §§ 15.2-913, 57-63.

(§ 12-406, Ord. 98-A(1), 8-5-98; § 12-306, Ord. 22-12(1), 3-16-22)