



2022 Legislative Priorities

LEGISLATIVE PRIORITIES

- *Enable civil penalties in lieu of criminal punishment for violations of local ordinances*
- *Expand the authority to use photo speed monitoring devices*
- *Require agricultural buildings used by the public to be subject to minimum safety standards*

Enable civil penalties in lieu of criminal punishment for violations of local ordinances

PROPOSED

Amend Virginia Code § 15.2-1429 to enable localities to adopt an ordinance to establish a schedule of civil penalties in lieu of criminal punishment for violations of certain local ordinances.

ELEMENTS

The enabling authority would authorize a schedule of civil penalties of up to \$500 for the initial summons with increasing amounts, up to a total of \$5,000 in the aggregate under the same set of operative facts. The civil summons would be issued by designated County officers rather than police officers, and would allow the violator the opportunity to prepay the civil penalty in lieu of trial. Unpaid civil penalties would be a lien against the property, if applicable, and could be collected as taxes are collected. The enabling authority would exclude those acts expressly punishable as misdemeanors by state law that allow a local option to adopt, traffic infractions, and those violations for which civil penalties are already authorized by state law.

RATIONALE

This initiative would enable localities to decriminalize numerous activities regulated by local ordinances by allowing the use of civil penalties instead of criminal punishment for violations. Limited exceptions to enforcing violations of local ordinances as crimes already exist, for example, in Virginia Code §§ 15.2-980 (noise) and 15.2-2209 (zoning), which allow localities to adopt a schedule of civil penalties instead. In instances where enforcement of an ordinance is by law enforcement officers, a move to civil penalties provides the added benefit of enabling officers to do other critical police work.

Expand the authority to use photo speed monitoring devices

PROPOSED

Amend Virginia Code §§ 46.2-882 and 46.2-882.1 to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

ELEMENTS

The enabling authority would be implemented by ordinance and would apply only to segments of secondary roads having posted speeds of 35 miles per hour or greater which are selected based on speeding, crash, and fatality data supporting the need for additional enforcement against speeding. In addition, the selected road segments must have signs posted informing drivers that the devices are being used to monitor speed.

RATIONALE

This initiative would give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of secondary roads where speeding is prevalent. Using these devices would promote public safety by providing broader enforcement of speed limits, use technology where human intervention is unnecessary, and allow law enforcement officers to do other critical police work.

Require agricultural buildings used by the public to be subject to minimum safety standards

PROPOSED

Amend Virginia Code § 36-97 and other sections of the Virginia Uniform Statewide Building Code to require agricultural buildings used by the public to be subject to minimum safety standards.

ELEMENTS

The legislation would revise the definition of “farm building or structure” to remove its “public use” elements (e.g., display, sale, sampling) and add a definition of “public use agricultural buildings,” a use that would be subject to requirements such as having an automatic fire alarm system, emergency lights at exits, panic hardware on all required exit doors, portable fire extinguishers, and a maximum occupancy of 200 persons, with occupancy over 200 being classified in a different use group.

RATIONALE

The stated purpose of the Virginia Uniform Statewide Building Code is to “protect the health, safety and welfare of the residents of the Commonwealth . . .” Virginia Code § 36-99 exempts “farm buildings or structures” from the provisions of the Building Code except for those portions of a building that are operated as a restaurant and licensed by the State Board of Health as such. Historically, these types of buildings and structures were not regularly hosting hundreds of people as they are now at farm wineries, limited breweries, limited distilleries, and other agricultural operations. To protect public safety in the event of a fire or another emergency, agricultural buildings that are open to the public should be subject to minimum safety standards.

LEGISLATIVE SUPPORT BY THE BOARD OF SUPERVISORS

On October 20, 2021, the Board of Supervisors adopted a resolution supporting the General Assembly’s ongoing studies of its information technology systems and services and encouraged the General Assembly to provide funding for needed technology modernization and staffing to support that technology throughout state government.

SIGNIFICANT LEGISLATIVE POSITIONS AND POLICY STATEMENTS

The Board of Supervisors 2022 Legislative Positions and Policy Statements include the following:

Impact fees

Support legislation to enable localities to impose impact fees on residential development and eliminate cash proffers (continuing).

Erosion and sediment control standards for agriculture and forestry operations

Support legislation to establish minimum erosion and sediment control standards for agriculture and forestry operations.