



Agenda
Board of Supervisors Meeting
Wednesday, October 7, 2020 at 5:00 PM
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum / Adopt Agenda

Public Comment

1. Budget Worksession

2. Joint Session with Planning Commission (7:00 PM)

- A) Case No. OA-10-20-16:** Amending article VII (Residential Multiple Family R3), section 7-3-3 (Maximum Building Groupings) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded** and deletions are underlined:

7-3-3 Maximum Building Grouping - Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, and no more than eight (8) dwelling units shall be included within any multiple-family dwelling, except **affordable** housing **and/or** for older persons **senior housing** not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as **affordable** housing and/or **senior housing** for older persons not exceeding sixty (60) dwelling units.

- B) Case No. OA-10-20-17:** Amending article 20 (definitions) and adding a new definition codified as 20-5B to the zoning ordinance. This proposed definition would read as follows:

20-5B Affordable Housing – Housing intended for sale or rent to person(s) or families earning eighty (80) percent or less of the Area Median Income as determined by the Department of Housing and Urban Development (HUD).

- C) Case No. OA-10-20-18:** Amending article 20 (definitions) and adding a new definition codified as 20-167A to the zoning ordinance. This proposed definition would read as follows:

20-167A Senior Housing – Housing intended for sale or rent to person(s) in which one (1) owner or tenant is at minimum fifty-five (55) years of age or older.

- D) Case No. OA-10-20-19:** Amending article 14 (general provisions), section 14-9 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9 Minimum Off-Street Parking - There shall be provided at the time of erection of any main building or at the time any main building is enlarged, **or for outdoor event venues**, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobile.

- E) Case No. OA-10-20-20:** Amending article 14 (general provisions), section 14-9-8 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9-8 For Churches, school auditoriums, theaters, general auditoriums, stadiums, **event venues** and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. **For outdoor event venues without fixed seating, there shall be provided sufficient parking for customers/visitors and staff members or owner(s). Parking on public roads and their right of ways is prohibited.**

Other Board Matters

3. Consideration of a Revised Codification Ordinance (Hobbs)

4. Preview of October 13 Board Agenda (Hobbs)

Information/Correspondence

Public Comment

5. Closed Session (Personnel)

Adjourn

Madison County Board of Supervisors Streaming Links

For the Meeting on Wed, Oct 7, 2020 5:00 PM (EDT)

Vimeo Live Stream.

Primary Link BOS Budget Workshop 5PM Oct 7th

<https://vimeo.com/event/346439>

Primary Link BOS and Planning Commission 7PM Oct 7th

<https://vimeo.com/event/346456>

Secondary Links if needed due to technical problems.

Secondary BOS and Budget Workshop 5PM

<https://vimeo.com/event/346433>

Secondary BOS and Planning Commission 7PM

<https://vimeo.com/event/346449>

GoTo Meeting

Madison BOS Budget Workshop 5pm Oct 7th 2020

Wed, Oct 7, 2020 4:50 PM - 5:50 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/153353965>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3412

- One-touch: <tel:+18722403412,,153353965#>

Access Code: 153-353-965

Madison BOS and Planning Commission 7pm Oct 7th

Wed, Oct 7, 2020 6:50 PM - 9:00 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/653189701>

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123

- One-touch: <tel:+14086503123,,653189701#>

Access Code: 653-189-701

Also streaming live on the Madison County You Tube Channel. Search You Tube for Madison Virginia County Government



Agenda
Joint Meeting
Madison County Planning Commission &
Madison County Board of Supervisors
Wednesday, October 7th, 2020 7 p.m.
Madison County Administrative Auditorium
414 N. Main Street, Madison, Virginia 22727



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

- 1) Determine Presence of a Quorum
- 2) Approval of Agenda (Additions or Changes)
- 3) Review of Minutes from the August 25th, 2020 Committee Meeting & September 2nd, 2020 Joint Meeting
- 4) Public Hearings:

A) Case No. OA-10-20-16: Amending article VII (Residential Multiple Family R3), section 7-3-3 (Maximum Building Groupings) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded** and deletions are underlined:

7-3-3 Maximum Building Grouping - Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, and no more than eight (8) dwelling units shall be included within any multiple-family dwelling, except **affordable** housing **and/or** for older persons **senior housing** not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as **affordable** housing and/or **senior housing** for older persons not exceeding sixty (60) dwelling units.

B) Case No. OA-10-20-17: Amending article 20 (definitions) and adding a new definition codified as 20-5B to the zoning ordinance. This proposed definition would read as follows:

20-5B Affordable Housing – Housing intended for sale or rent to person(s) or families earning eighty (80) percent or less of the Area Median Income as determined by the Department of Housing and Urban Development (HUD).

C) Case No. OA-10-20-18: Amending article 20 (definitions) and adding a new definition codified as 20-167A to the zoning ordinance. This proposed definition would read as follows:

20-167A Senior Housing – Housing intended for sale or rent to person(s) in which one (1) owner or tenant is at minimum fifty-five (55) years of age or older.

D) Case No. OA-10-20-19: Amending article 14 (general provisions), section 14-9 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9 Minimum Off-Street Parking - There shall be provided at the time of erection of any main building or at the time any main building is enlarged, **or for outdoor event venues**, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobile.

E) Case No. OA-10-20-20: Amending article 14 (general provisions), section 14-9-8 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9-8 For Churches, school auditoriums, theaters, general auditoriums, stadiums, **event venues** and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. **For outdoor event venues without fixed seating, there shall be provided sufficient parking for customers/visitors and staff members or owner(s). Parking on public roads and their right of ways is prohibited.**

5) Items from Public or Planning Commission

6) Adjournment

Madison County Planning Commission

Business Committee Meeting

August 25, 2020

As advertised, the Business Committee met at 1:00 p.m. in the County Administration Building auditorium to discuss R3 (multiple family dwelling) zoning requirements. All Commissioners were present: Fay Utz, Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott.

Steve Carpenter, Chair, opened the meeting stating there is interest from a developer for 8 acres of land between Food Lion and Courthouse Mountain Road, zoned R3. Current R3 zoning (section 7-3-3) allows by right, 8 units per grouping, except for senior housing, and the frontal length of the building not exceed 200 feet, except for senior housing and not exceeding 60 units. The developer would like to provide "affordable housing" using "tax credits," and increase the number of apartments to 48 in a single building, or 60 units in two buildings. The issue for discussion is should the Ordinance be amended to allow this change, either as a by-right use, or be addressed by a SUP. Mr. Carpenter stated there are very few R3 zoned properties in Madison County; an 80-acre parcel between Fishback Road and Gate Road; and land behind Maple Drive and Resettlement area. Ligon Webb provided possible wording "apartment building(s) not conforming to all provisions of 7-3-1, 7-3-2, and/or 7-3-3 . . . may deviate from said articles provided a special use permit is issued." Mr. Webb stated with this wording, a SUP would allow analyzation concerning density, site design, impacts on adjacent land uses, traffic, etc. Mr. Carpenter also stated requiring a SUP maintains control for current and future projects.

Danny Crigler disagrees.

The Commission was mindful of separating this particular development from universal ordinance wording.

Background information on the developer, Jen Surber, and her previous projects was distributed. Peter Work asked if Courthouse Mtn. Road would be widened, and no answer was given. Proposed parking would be for 142 + 12 spaces, and two per unit is the standard.

Mike Fisher said traffic, sidewalks, medical care, etc. would be impacted with influx of 150 tenants.

Ms. Surber was reached by telephone, and replied to Ms. Seillier-Moiseiwitsch's question about the sizes; there will be some 1 BR, but about half 2 BR, and half 3 BR. She stated it could be a 3-story building, 459' x 47', one building and one elevator, vs. two buildings and two elevators, and building up is cheaper. All traffic would be from Courthouse Mtn. Road, and her purchase of the land is contingent on receiving the tax credits.

After more discussion, by consensus, the PC will recommend the BOS allow multi-family dwellings be allowed by-right in R3 zones, for affordable housing and senior housing, rather than by SUP.

The meeting was adjourned, and will be discussed at the Joint meeting on September 2, 2020.

Notes by Nan Coppedge

Madison County Planning Commission

Joint Meeting

September 2, 2020

The Madison County Planning Commission Joint meeting was called to order by Chair, Mike Mosko, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with all members present: Fay Utz, Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott. Also present were: Ligon Webb, County Planner; Jack Hobbs, County Administrator; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

All rose for the Pledge of Allegiance, followed by a moment of silence. Motion was made by Mr. Work to approve the agenda as submitted, seconded by Mrs. Utz, and carried, with all members voting aye.

Motion was made by Pete Elliott to approve the **minutes of the August 5, 2020 meeting** as submitted. Motion was seconded by Steve Carpenter, and carried, with all members voting aye, with Crigler and Fisher abstaining, who had recused themselves from the meeting.

There was much discussion on **increasing the number of apartments for affordable housing in R3 zoning (Article 7-3-3)**, and should the Ordinance be amended to allow “by-right,” or by a special use permit. Mr. Mosko stated a new term “workforce development housing” is now used in applications for funding through the Virginia Housing Dept., and is understood to mean affordable housing. The developer was reached by telephone who stated all of the apartments will be for those with less than 80% of the area median income. General consensus is to advertise for an Ordinance Amendment to allow more than 8 units per building, and more than 200 feet in length, for multi-family affordable and/or senior housing apartments.

Potential Amendments: Articles 14-9 and 14-9-8, Off-Street Parking, were reviewed to require outdoor venues have sufficient parking, and no parking is allowed on public roads. Also, add to **Article 20-133** that open space may be used for crop land.

Mr. Webb proposed that non-conforming minimum size lots that were established before Zoning (circa 1973) be administratively approved, if they meet all other requirements, rather than go to the BZA.

Mr. Mosko reviewed attendance at BOS meetings: September – Steve Carpenter; October – Mike Mosko; November – Mike Fisher; and Peter Work will cover December. Mr. Mosko stated he appreciates the PC members’ side conversations during meetings, but asked that we speak one at a time so all can hear clearly.

There being no further business, the meeting was adjourned at 7:55 p.m.

September 2, 2020 meeting

Nan Coppedge, Secretary

Approved

Certified

PUBLIC NOTICE

Notice is hereby given that Madison County's Planning Commission and Board of Supervisors will hold a joint public hearing in the Madison County Administrative Center Auditorium on **Wednesday, October 7th, 2020 at 7 p.m.** The Planning Commission's recommendation(s) will be forwarded to the Board; the Board of Supervisors' meeting will begin after the Planning Commission's meeting has adjourned.

Case No. OA-10-20-16: Amending article VII (Residential Multiple Family R3), section 7-3-3 (Maximum Building Groupings) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded** and deletions are underlined:

7-3-3 Maximum Building Grouping - Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, and no more than eight (8) dwelling units shall be included within any multiple-family dwelling, except **affordable** housing **and/or** for older persons **senior housing** not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as **affordable** housing and/or **senior housing** for older persons not exceeding sixty (60) dwelling units.

Case No. OA-10-20-17: Amending article 20 (definitions) and adding a new definition codified as 20-5B to the zoning ordinance. This proposed definition would read as follows:

20-5B Affordable Housing – Housing intended for sale or rent to person(s) or families earning eighty (80) percent or less of the Area Median Income as determined by the Department of Housing and Urban Development (HUD).

Case No. OA-10-20-18: Amending article 20 (definitions) and adding a new definition codified as 20-167A to the zoning ordinance. This proposed definition would read as follows:

20-167A Senior Housing – Housing intended for sale or rent to person(s) in which one (1) owner or tenant is at minimum fifty-five (55) years of age or older.

Case No. OA-10-20-19: Amending article 14 (general provisions), section 14-9 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9 Minimum Off-Street Parking - There shall be provided at the time of erection of any main building or at the time any main building is enlarged, **or for outdoor event venues**, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobile.

Case No. OA-10-20-20: Amending article 14 (general provisions), section 14-9-8 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9-8 For Churches, school auditoriums, theaters, general auditoriums, stadiums, **event venues** and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. **For outdoor event venues without fixed seating, there shall be provided sufficient parking for customers/visitors and staff members or owner(s). Parking on public roads and their right of ways is prohibited.**

The public is invited to attend the hearing and comment. Comments may be submitted by email or in writing beforehand. All comments will be included in the official meeting packet. The meeting will be online via multiple platforms. The public may go to the following website for information regarding livestream access and to view documents related to the above cases: www.madisonco.virginia.gov/meetings Copies of the ordinances and documents related to the cases are available for review in the Building & Zoning Office, 414 North Main Street, Madison, VA; documents can be inspected Monday - Friday from 8:30 a.m. to 4:30 p.m. Documents can also be sent electronically by request. Comments or questions can be sent by email to lwebb@madisonco.virginia.gov, or by calling 540-948-7513. Mr. Ligon Webb, County Planner

August 13, 2020 (see update at end of document dated 10/2/2020)

To: Planning Commission

From: Ligon Webb, County Planner

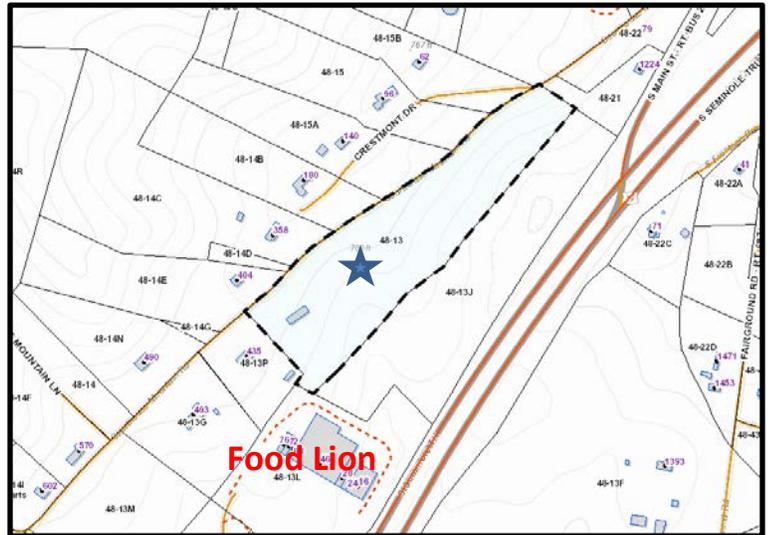
RE: Considerations regarding developing apartments on an 8.19 acre R3 zoned parcel

Overview – The subject 8.19 acre parcel is located on Courthouse Mountain Road and is zoned R3 (Residential Multi Family). The property is owned by Carlyle Weaver; Jen Surber (Member/Manager at Surber Development & Consulting, LLC), a multi-family housing developer, is enquiring to potentially develop the site for apartment(s) using Virginia Housing (formerly known as VHDA) tax credits.

The Virginia Housing tax credits are awarded through a competitive application process each spring. If tax credits are awarded (once constructed) the rental units are offered at below market rates to qualifying individuals and families; depending on household income levels rents would fluctuate between a minimum of \$310 up to \$1,165 per month.

Ms. Surber requests the Planning Commission, and ultimately the Board of Supervisors, consider potential R3 zoning changes/amendments allowing for increased site density by special use permit. Ms. Surber has submitted documents which are included in this packet for review. Applications for the next round of Virginia Housing tax credit funding are due in March of 2021.

Property History - In February of 2009 the site was rezoned from B1 (Business) to R3 (multi-family residential) with conditions; the principal condition being the proposed apartments would be restricted to senior housing (55 +). Subsequently several senior housing developers showed interest in the property, but after detailed study concluded regional demographics did not support an exclusively senior development.



In January of 2019 the site was again the subject of a rezoning. This rezoning modified the previously approved rezoning conditions from 2009. This rezoning was approved and the most notable change was the removal of the “senior housing only” condition. Today the site is still zoned R3, but the previous rezoning conditions requiring the exclusive development of senior housing has been removed. The January 2019 conditions are attached to this report and remain in full-force.

Existing Zoning & Proposed Zoning Text Amendments – In the R3 zoning district “multiple family dwelling (apartment)” is a use allowable by right; further in the R3 portion of the zoning ordinance, section 7-3-3, Maximum Building Grouping states (**bolded** for emphasis):

*Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, **and no more than eight (8) dwelling units shall be included within any multiple-family dwelling**, except housing for older persons not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as housing for older persons not exceeding sixty (60) dwelling units.*

Ms. Surber has indicated the non-age-restricted building(s) proposal could contain between 48 units, but not exceed 60 units. Ideally, if only 48 units, a single apartment building would be preferred; but if 60 units two (2) apartment buildings would be a viable alternative.

An initial conversation between Ms. Surber and the County Planner indicates the single building options would allow Ms. Surber increased flexibility for additional site amenities (playground, park area, walking trails, etc.).

It is recommended the Planning Commission and Board of Supervisors consider a zoning text amendment providing Ms. Surber with an avenue to apply for a special use permit to development the property utilizing a single, or potentially multiple, apartment buildings. If the code is amended the potential special use permit application would be thoroughly scrutinized regarding access, traffic generation/trips, site layout/design, utilities, etc.

Potential Code Amendment(s) – A fairly simple addition to the R3 zoning district allowing for an increased apartment building size/footprint would be necessary. This potential amendment could read as follows:

Special Permit Uses: 7-2-7 Multiple Family Dwelling (apartment); apartment building(s) not conforming to all provisions of articles 7-3-1, 7-3-2 and/or 7-3-3 of this ordinance may deviate from said articles provided a special use permit is issued.

Summary – Multi-family housing has been discussed (and proposed) for the subject site for many years now. Particularly for older populations the site’s location adjacent to shopping amenities makes it an attractive site for such a use. Also included in this packet is a (draft) Regional Housing Study recently completed by the Rappahannock-Rapidan Regional Commission. Below are a couple of points to consider from this study, and commentary provided by the County Planner:

- Data collected from the Greater Piedmont Realtors shows that between 2016 and 2020 (first quarter) the median house price in Madison County rose from \$152,450 to \$259,000 (69 percent increase). A search on the popular internet real estate aggregator Zillow lists fifty-two (52) housing units for sale in Madison County as of August 14, 2020. Of these 52 units for sale, 42 are priced \$250,000 or above; 37 are priced above \$300,000 and 25 are priced over \$400,000. Conversely, 10 housing units are priced under \$250,000.
- In 2018 the U.S. Census estimated Madison County had a supply of 1,385 full time (year round) rental units. And Madison County’s rental vacancy rate was 0.3 percent, the lowest vacancy rate in the four (4) county region. This rate indicates a lack of supply. As of August 14th, Zillow lists eleven (11) rental properties available in Madison County; four (4) of these available properties have monthly rents under \$1,000; and six (6) are over \$1,500.

When developing such a project “economies of scale” is tantamount; meaning increases in density (i.e. the total number of units) generally lowers the per unit development cost. The County Planner believes amending the R3 zoning ordinance would simply provide an avenue for submitting an alternative proposal for site; and this potential proposal will be guided by the economic realities associates with site development. If the recommended R3 zoning amendments are effectuated, via a subsequent special use permit the proposal could be analyzed concerning density, site design, impacts on adjacent land uses, traffic generation, access, utilities, and so forth.

Update: October 2nd, 2020 – The Planning Commission and Board of Supervisors considered two options for the development of larger non-age-restricted multi-family housing/buildings on the subject 8.19 acre R3 zoned site. As written, the R3 zoning ordinance allows the subject site to be developed for multi-family housing units similar to the density expected to be proposed by Ms. Surber; however, the ordinance prohibits larger buildings (containing up to 60 units) unless the building is exclusively restricted to “older persons”. If restricted to older persons, a single building may contain up to sixty (60) separate apartment units and exceed two-hundred (200) feet of frontal length.

The two R3 zoning ordinance amendment options considered by the Planning Commission and Board of Supervisors were as follows: 1) an amendment in which a larger “affordable” non-age-restricted building would be allowable by special use permit, and 2) an amendment in which a larger “affordable” non-age-restricted building would be allowable by-right in the R3 zoning district.

After September’s joint meeting the Planning Commission and Board of Supervisors came to a consensus that amending the existing R3 ordinance thus allowing for a larger non-age-restricted building by-right would be the preferred course of action (option 2); provided the amendment limits the larger by-right building exclusively to “affordable housing” as defined. Of course, if the amendments are approved a (future) proposed affordable housing building/development would be required to submit a detailed site plan and hold a public hearing before the Planning Commission and Board of Supervisors; and prior to the site plan’s public hearing the County Planner would analyze specific impacts of the proposal in detail.

MADISON COUNTY BOARD OF SUPERVISORS AGENDA ITEM STAFF REPORT

MEETING DATE:	October 7, 2020
AGENDA TITLE:	Consideration of a Revised Codification Ordinance
INDICATED MOTION(s):	<p>I move to approve Ordinance# 2020-15(Revision 1) captioned “ <i>An ordinance to adjust the following sections of the codification of ordinances prepared by MuniCode and to correct scrivener errors in the September 22, 2020 ordinance:</i></p> <ol style="list-style-type: none">1. <i>Sec. 1-2 Definitions and rules of construction.</i>2. <i>Sec. 1-13 Copies of Code and supplements to be made available for public inspection.</i>3. <i>Sec. 2-25 Review of criminal history record information of applicants for County employment.</i>4. <i>Sec. 4-23 Permit required.</i>5. <i>Chapter 8 Buildings and building regulation (deletion of all MuniCode Chapter 8 text)</i>6. <i>Chapter 8 Buildings and building regulation (insertion of a replacement Chapter 8)</i>7. <i>Sec. 14-27 Procedures for plan review and administration.</i>8. <i>Sec. 14-28 Preconstruction conference.</i>9. <i>Sec. 14-30 Approval, expiration and extension.</i>10. <i>Sec. 24-31 Protocol concerning delinquent payments.</i>11. <i>Sec. 24-279 Court security fee</i>12. <i>Appendix 1 Article 11 Flood Protection.</i>
STAFF LEAD:	County Administrator Jack Hobbs
TIMING:	After over three years of work the Board approved two ordinances to effect the Codification of County ordinances on September 22, 2020. While working to follow through with MuniCode, an oversight was discovered.
DISCUSSION	The revised floodplain ordinance adopted on August 5, 2020 was not included in the codification package. This oversight can be corrected via the adoption of a revised ordinance.
FISCAL IMPACT:	N/A
REFERENCES:	Links to the scanned MuniCode document and other material can be found at https://www.madisonco.virginia.gov/bos/page/madison-county-code .
HISTORY:	N/A
RECOMMENDATION:	Adopt the revised ordinance per the indicated motion.
ENCLOSURES:	<ul style="list-style-type: none">• Proposed revised ordinance• Ordinance #2020-15 adopted on September 22, 2020

ORDINANCE # 2020-15 (Revision 1)

An ordinance to adjust the following sections of the codification of ordinances prepared by MuniCode and to correct scrivener errors in the September 22, 2020 ordinance:

1. Sec. 1-2 **Definitions and rules of construction.**
2. Sec. 1-13 **Copies of Code and supplements to be made available for public inspection.**
3. Sec. 2-25 **Review of criminal history record information of applicants for County employment.**
4. Sec. 4-23 **Permit required.**
5. Chapter 8 **Buildings and building regulation (deletion of all MuniCode Chapter 8 text)**
6. Chapter 8 **Buildings and building regulation (insertion of a replacement Chapter 8)**
7. Sec. 14-27 **Procedures for plan review and administration.**
8. Sec. 14-28 **Preconstruction conference.**
9. Sec. 14-30 **Approval, expiration and extension.**
10. Sec. 24-31 **Protocol concerning delinquent payments.**
11. Sec. 24-279 **Court security fee**
- 12. Appendix 1, Article 11 Flood Protection.**

BE IT ORDAINED by the Madison County Board of Supervisors that various sections of the Madison County Code are amended as follows:

Section	Page	Amendment Text
1	CD1:3	Sec. 1-2. Definitions and rules of construction. <i>Health Officer.</i> The term "Health Officer" means the Public Health Officer of the County or representative of the State Board of Health <u>any duly appointed representative of the State Health Commissioner at the Virginia Department of Health</u> serving the County.
2	CD1:7	Sec. 1-13. Copies of Code and supplements to be made available for public inspection. At least three copies <u>one copy</u> and every supplement thereto shall be kept in the office of the County Administrator and shall be available for public inspection, during normal business hours.
3	CD2:5	Sec. 2-25. Review of criminal history record information of applicants for County employment. 1. The County Administrator or his designee shall, in the interest of public welfare and safety, conduct investigations of all applicants to whom a conditional offer of employment is made to determine if the past criminal conduct of an applicant with a conviction record would be compatible with the nature of the employment under consideration, in accordance with Virginia Code § 15.2-1505.1, as amended. 2. Except as set forth in (c) below, the County Administrator or his designee shall require such applicants to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the central criminal records exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. 3. Applicants for the position of Officer of Election with the County's Office of the General Registrar shall not be required to submit to fingerprinting but shall be required to provide personal descriptive information to be forwarded through the central criminal records exchange for the purpose of obtaining criminal history record information. 4. Criminal history record information shall be confidential. 5. If an applicant is denied employment because of information appearing in his criminal

		<p>history record, the County Administrator or designee shall notify the applicant that information obtained from the central criminal records exchange contributed to such denial.</p> <p style="text-align: right;">(Ord. No. 2019-14, 11-26-20162019)</p>
4	CD4:3	<p>Sec. 4-23. Permit required.</p> <p>No person shall stage, promote, or conduct any music or entertainment festival in the unincorporated areas of the County <u>and not, or</u> on lands owned by the County, the County School Board, the County Parks and Recreation Authority, the State, or the United States of America, unless there shall first be obtained a permit from the Board of Supervisors a special entertainment permit for such festival.</p>
5	CD8:1- CD8:6	<p><i>Repeal Sec. 8-1 through 8-75 in their entirety (all of Chapter 8 in the MuniCode codification document)</i></p>
6	New sheets in CD8	<p><u>8-1. Short Title</u></p> <p><u>This ordinance may be known and referred to as the Madison County Building Code.</u></p> <p><u>8-2. Adoption</u></p> <p><u>(a) The Virginia Uniform Statewide Building Code, Part I and Part II, and future revisions or amendments thereof, are hereby adopted and incorporated, as a part hereof to the same extent as if set out herein at length, and shall control all matters concerning the construction, rehabilitation or repair of new or existing structures;</u></p> <p><u>(b) Chapters 1, 2, and 3 of Part III of the Virginia Uniform Statewide Building Code, and future revisions or amendments thereof, are hereby adopted and incorporated as a part hereof, to the same extent as if set out herein at length, and shall be adopted for the following purposes for the portions of Madison County that are not located within the Town of Madison:</u></p> <p><u>(1) the maintenance or razing of unoccupied, unsafe buildings and structures when the Code Official receives a complaint that alleges a violation of the Madison County Building Code; and</u></p> <p><u>(2) the procedures for the administration and enforcement of the provisions adopted herein; provided, the Code Official shall only enforce the provisions of Chapters 1, 2, and 3 of Part III, of the Virginia Uniform Statewide Building Code, concerning buildings and structures deemed by the Code Official to be unoccupied and unsafe, except as provided in Section Four of this ordinance.</u></p> <p><u>(c) Section 15.2-906 of the Virginia Code, and any future revisions or amendments thereof, is hereby adopted and incorporated as a part hereof, to the same extent as if set out herein at length for the portions of Madison County that are not located within the Town of Madison.</u></p> <p><u>8-3. Enforcement</u></p> <p><u>(a) The Building Department is hereby designated to act as the enforcing agency for the enforcement of the provisions of the Virginia Uniform Statewide Building Code, Parts I, II, and for the portions of Madison County that are not located within the Town of Madison Chapters 1, 2, and 3 of Part III, as promulgated by the Virginia Board of Housing and Community Development under authority of §§ 36-99, 36-103 and 36-105 of the Code of Virginia, and any future revisions or amendments thereof.</u></p> <p><u>(b) A copy of the Virginia Uniform Statewide Building Code shall be maintained on file in the Department of Planning and Community</u></p>

		<p style="text-align: center;"><u>Development.</u></p> <p><u>8-4. General Requirements</u> <u>In addition to adopting the Virginia Uniform Statewide Building Code, Part III, as cited in Section 8-1 above, the following provision is hereby adopted and incorporated as part of this ordinance:</u></p> <p style="padding-left: 40px;"><u>(a) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All swimming pools, reported to the Code Official, shall be subject to the barrier maintenance requirements of Section 303 of Chapter 3 of Part III of the Virginia Uniform Statewide Building Code, regardless of property occupancy. Improperly maintained barriers shall be cited as <i>unsafe</i> as cited in this Code.</u></p> <p><u>8-5. Appeals</u> <u>The Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of this chapter.</u></p> <p><u>8-6. Administrative Practices</u> <u>The Building Official shall establish such procedures or requirements as may be necessary for administration and enforcement of this ordinance.</u></p> <p><u>8-7. Severability</u> <u>Should any provision of this ordinance be declared by the courts unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.</u></p>
7	CD14:9	<p>Sec. 14-27. Procedures for plan review and administration.</p> <p>(a) <i>Plan review.</i></p> <ol style="list-style-type: none"> (1) All final plans shall be approved by the County's Plan-Approving Authority, after recommendation by the County's Certified Program Reviewer, which is the Commonwealth of Virginia Department of Environmental Quality, for purposes of this Article. (2) In reviewing plans, the plan-approving authority and the district may seek or receive recommendations or comments from the State Division of Environmental Quality, the State Department of Transportation, the Health Department and such other agencies that are deemed to have some responsibility in this area. (3) The preparation and submission of an erosion and sediment control plan to be administered shall be the responsibility of the owner, lessee, or duly authorized agent of either the owner or lessee. (4) In determining the adequacy of the plan, the Certified Plan Reviewer shall be guided by the recommendations contained in the Virginia Erosion and Sediment Control Handbook and/or the Virginia Erosion and Sediment Control Regulations. <p>(b) <i>Performance guarantees.</i> The plan-approving authority, as a condition of approval of any erosion and sediment control plan, may require of the applicant a reasonable performance bond with surety, cash escrow, letter of credit, or combination thereof, or such other legal arrangement as is acceptable to the plan-approving authority to ensure that measures could be taken by the County at the expense of the person conducting the land disturbing activity should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him in order to be in compliance with this article.</p> <ol style="list-style-type: none"> (1) If the County takes such measures upon such failure by the person conducting the land disturbing activity and the costs of required corrective action exceed the security held, the County Board of Supervisors may collect from such person

		<p>the difference between the cost of the corrective action required and the amount of security held.</p> <p>(2) Within 60 days of the achievement of adequate stabilization of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded by the plan-approving authority to the owner or his agent or terminated, as the case may be.</p> <p>(3) The amount of performance guarantee shall be set by the plan-approving authority in accordance with-Code of Virginia, § 62.1-44.15:57. <i>(Ord. No. 2014-7, § 9, 7-1-2014)</i></p>
8	CD14-10	<p>Sec. 14-28. Preconstruction conference.</p> <p>No land disturbing activity under an approved erosion and sediment control plan shall commence until the owner and/or his agent has met with the Administrator and/or his agent on site for a preconstruction conference to review the requirements of said plan. The owner or his agent may request a preconstruction conference at anytime after the plan is approved, and the Administrator and/or his agent shall schedule such conference within 15 days of such request. The requirement for a preconstruction conference may be waived by the County Administrator <u>or his agent</u> at the time the plan is approved. <i>(Ord. No. 2014-7, § 10, 7-1-2014)</i></p>
9	CD14-11	<p>Sec. 14-30. Approval, expiration and extension.</p> <p>Approval of an Erosion and Sediment Control Plan under the provisions of this Article shall expire 12 months after the date of such approval. A single one-year extension may be granted by the County Board of Supervisors Administrator <u>or his agent</u> upon a written request by the applicant to the Administrator. Such request shall be made no more than 60 days, nor less than 30 days before the expiration date of the approved Erosion and Sediment Control Plan. The Administrator <u>or his agent</u> shall acknowledge the request upon receipt, and the <u>Administrator or his agent</u> County Board of Supervisors shall make a decision on the requested extension within 30 days of the request receipt. If such extension is granted, the <u>Administrator or his agent</u> County Board of Supervisors may require that performance guarantees as set forth herein be given or extended by the applicant as a condition of the extension approval. <i>(Ord. No. 2014-7, § 12, 7-1-2014)</i></p>
10	CD24:9	<p>Sec. 24-31. Protocol concerning delinquent payments.</p> <p>If on June <u>April</u> 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this Article are delinquent, the Treasurer of the County shall send notice of that fact and the general provisions of Code of Virginia, § 58.1-3235, as amended, to the property owner by first class mail. If after sending such notice, such delinquent taxes remain unpaid on November <u>June</u> 1, the Treasurer shall notify the Commissioner of Revenue of the County who shall remove such parcel from the land use program. <i>(Code of Virginia §58.1-3235, Ord. of 6-9-1987(01), § 5)</i></p>
11	CD24:24	<p><u>Sec. 24-279. Court security fee.</u></p> <p><u>A fee of twenty dollars (\$20.00) is imposed as part of the costs in each criminal and traffic case in the Madison County General District Court and Madison County Circuit Court in which the defendant is convicted of the violation of any statute or ordinance. This fee shall be collected by the Clerk of the Court in which the case is heard, remitted to the Madison County Treasurer, and held by the Madison County Treasurer subject to appropriation from the Madison County Board of Supervisors to the Madison County Sheriff to fund the cost of courthouse security personnel.</u> <i>(Ord. No. 2020-12, 6-23-2020, effective July 1, 2020)</i></p>

12. BE IT FURTHER ORDAINED that **Appendix 1, Article 11 (Floodplain Protection)** is hereby amended to read as per the provisions of Ordinance# 2020-13 that was adopted on August 5, 2020 and became effective on

September 18, 2020, said amendment having the effect of amending and updating the flood protection provisions of the Zoning Ordinance. (Reference page CDA1:40)

Adopted this 7th day of October, 2020 on motion of Supervisor _____ seconded by Supervisor _____.

R. Clay Jackson, Chair
Madison County Board of Supervisors

Attest:

Clerk

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
R. Clay Jackson _____	_____	_____	_____	_____
Charlotte Hoffman _____	_____	_____	_____	_____
Kevin McGhee _____	_____	_____	_____	_____
Amber Foster _____	_____	_____	_____	_____
Carlton Yowell _____	_____	_____	_____	_____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF MADISON
COUNTY, VIRGINIA, TO ESTABLISH FLOODPLAIN DISTRICTS, TO REQUIRE
THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND TO PROVIDE
FACTORS AND CONDITIONS FOR VARIANCES.**

ORDINANCE #2020-13

BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Madison County, Virginia that Article 11 of the Zoning Ordinance is hereby amended to read as follows:

Article 11

**FLOODPLAIN MANAGEMENT ORDINANCE
OF
MADISON COUNTY, VIRGINIA**

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Madison County, and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) or included in the Flood Insurance Study (FIS) that are provided to Madison County, by FEMA.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Madison County, or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator in perpetuity.

Section 1.5 - Abrogation [44 CFR 60.1(b)]

This ordinance supersedes any ordinance currently in effect in flood-prone districts. This ordinance shall take precedence over any less restrictive conflicting local laws, ordinances or codes. These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this Ordinance or directions of the Floodplain Administrator shall be guilty of the appropriate violation and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 115. Violations and associated penalties of the Zoning Ordinance of Madison County, Virginia, are addressed in Section 19.3 of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Madison County, to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II - ADMINISTRATION

Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Madison County Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Madison County chief executive officer.
- (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (C) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges,

culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.

(E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.

(F) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

(G) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

(H) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

(I) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

(J) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(K) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(L) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance and prepare a staff report.

(M) Administer the requirements related to proposed work on existing buildings:

1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of

the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(N) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(O) Notify the Federal Emergency Management Agency when the corporate boundaries of the County have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(P) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(Q) It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(R) Jurisdiction for this ordinance is the County of Madison. Any change in the boundary for the County of Madison would require action that is not governed by this ordinance. Furthermore, any change in the boundary of Madison County is extremely unlikely to occur.

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of

special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

(A) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and

accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Emergency-Management Agency and optionally the Virginia Department of Conservation and Recreation Division of Dam Safety and Floodplain Management in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 - District Boundary Changes

Jurisdiction for this ordinance is the County of Madison. Any change in the boundary for the County of Madison would require action that is not governed by this ordinance. Furthermore, any change in the boundary of Madison County is extremely unlikely to occur.

Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 2.7 Submitting Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Section 2.8 Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map

Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

ARTICLE III - ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS

Section 3.1 - Description of Special Flood Hazard Districts (SFHA) [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Madison County, prepared by the Federal Emergency Management Agency, dated September 18, 2020, and any subsequent revisions or amendments thereto.

The County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies. The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the office of the Floodplain Administrator.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies with the endorsement of the County for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III Section 3.1 A 1 a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. The **AE** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)]*:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Madison County.

Development activities in AE, on the FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies with the endorsement of Madison County for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

* The requirement in 63.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently

accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to no less than one (1) foot above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Madison County Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a Flood Zone Development Permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and Madison County Subdivision Regulations.

Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to Section 3.1 of this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood

waters.

- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. In addition to provisions A above, in all special flood hazard areas, the additional provisions shall apply:
- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 A 3, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A and AE with detailed base flood elevations shall have the lowest floor, including basement, elevated to no less than one (1) foot above the base flood level.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no less than one (1) foot above the base flood level. Buildings located in all A and AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. Space Below the Lowest Floor

In zones A and AE, fully enclosed areas, of new construction or substantially improved

structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 and section 4.3.
2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or

jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

- b. meet all the requirements for manufactured homes in Article 4.3(D)(1).

Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the

minimum necessary to preserve the historic character and design of the structure.

M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variations. Any variations that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,

excavation or drilling operations or storage of equipment or materials.

- G. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- H. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- I. Existing construction – Structures for which the “start of construction” commenced before the effective date of the FIRM or before April 3, 1989 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
- J. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dryland areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- K. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- L. Flood Insurance Study (FIS) a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of management. "Freeboard" tends to compensate for the many unknown factors that could contribute to floodplain flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.
- Q. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic structure - Any structure that is
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
- S. Hydrologic and Hydraulic Engineering Analysis Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.
- T. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:
- Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood*

hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones, flood elevations, floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to flooding associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

- U. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

- V. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

- W. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes part trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

- X. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after April 3, 1989 and include any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- Y. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after April 3, 1989.

- Z. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before April 3, 1989.

- AA. Recreational vehicle - A vehicle which is
 1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and,
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

BB. Repetitive Loss Structure— A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

CC. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred floodrelated damage (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

DD. Shallow flooding area A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

EE. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.

FF. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

GG. Structure - for floodplain management purposes, a walled and roofed building or a

manufactured home.

HH. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

II. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a *historic structure*, provided that the alteration will ~~constitute~~ ^{not constitute} the continued designation as a *historic structure*.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

JJ. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 3.7 B11, Section 4.3 B, Section 4.4 A, Section 4.5, and section 4.8 is presumed to be in violation until such time as that documentation is provided.

KK. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Adopted this 5th Day of August, 2020 on a motion of Supervisor Hoffman, seconded by Supervisor McGhee.

This ordinance shall become effective on September 18, 2020.

Madison County Board of Supervisors

By: [Signature]
R. Clay Jackson, Chair

Attest:

[Signature]
County Administrator

	Aye	Nay	Abstain-Absent
R. Clay Jackson	<input checked="" type="checkbox"/>	___	___
Charlotte Hoffman	<input checked="" type="checkbox"/>	___	___
Amber Foster	<input checked="" type="checkbox"/>	___	___
Kevin Mc Ghee	<input checked="" type="checkbox"/>	___	___
Carlton Yowell	<input checked="" type="checkbox"/>	___	___

1. Statutory Authorization and Purpose (44 CFR 59.22(a)(2))
2. Va. Code Section 15.2 2280 Allows to be a part of the Madison County Zoning Ordinance

Madison County Virginia Public Animal Shelter Operations Manual

Draft • October 2, 2020

Table of Contents

GENERAL POLICIES	4
Core Provisions	4
A. Operation as a Public Animal Shelter	4
B. Governing Laws and Regulations	4
C. Definitions	4
D. Hours Open to the Public	5
E. Required Statements	5
F. Record-keeping, (A) Specific Inquiries	5
G. Record-keeping, (B) General Inquiries	5
H. Required Holding Periods	6
I. Disposition of Animals	7
J. Transfer of Custody (A) Transfer of Custody (B) Adoption	7
Animal Housing, Care, and Disposition	8
A. Shelter Capacity	8
B. Foster Care	9
C. Care of Animals	9
Disposal of Solid Wastes and Dead Animals	10
A. Dead Animals	10
B. Disposal of Solid Waste	10
Euthanasia	11
A. Delivery	11
B. Drug Storage	11
Buildings and Grounds	11
A. Food Preparation and Storage	11
B. Isolation and Observation Area	11
C. Confinement Area	11
D. Maintenance of Buildings; Air Circulation Systems	11
E. Grounds Upkeep, Generally	11
Motor Vehicles and Transportation of Animals	11
A. Operation of County-Owned Motor Vehicles	11
B. Transportation of Animals	11
Amendments of Policy	12
FORMS	13
Treatment & Progress Sheet	14
Animal Custody Record	15
Release Form/ Body Condition Scoring	16
Daily Observation Sheet	17
Agreement with Outside Releasing Agency	18
Animal Adoption Agreement	20

Sterilization Agreement	22
Waiting List	23
Lost Animal Report	24
Found Animal Report	25
Reclaim/Payment Form	26
Employee/Volunteer Agreement	27
Parental Permission Form	28
Cat Trap/Carrier Loan Agreement	29

General Policies

Core Provisions

- A. Operation as a Public Animal Shelter. Madison County's Public Animal Shelter consists of facilities operated by the government of Madison County for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, known to the public as the "Madison County Animal Shelter (MCAS)."
- i. Primary oversight of shelter operations shall be the responsibility of the County's designated Animal Shelter Manager.
 - ii. Day-to-day operations of the shelter shall be under the supervision and direction of the Animal Shelter Manager.
 - iii. To the extent practical, shelter business is to be conducted via electronic means (telephone or internet).
 - iv. As a public animal shelter, access to the premises is restricted to individuals who have a legitimate business reason to be to in the Madison County Animal Shelter building or on the nearby grounds.
- B. Governing Laws and Regulations.
- i. This facility shall be operated and maintained in accordance with applicable laws and regulations governing operation of a shelter, specifically:
 1. The Code of Virginia (Ref. Title 3.2, Chapter 65)
 2. The Virginia Administrative Code (Ref. 2VAC5-111-10)
 3. The Madison County Animal Control Ordinance (Ref. Madison County Code, Chapter 6)
 4. The Madison County Animal Shelter Medical Policy
 - ii. Reference is made to the Madison County Animal Control Policy.
 - iii. In the event staff has questions about whether a particular circumstance or practice meets the requirements of applicable laws and regulations, staff shall present the questions to the Animal Shelter Manager who shall contact other resources for any assistance that may be necessary.
- C. Definitions. For the purposes of this policy:
- The term "*adoption*," for the purposes of this policy, means the transfer of a dog or cat, or any other companion animal, from the possession of the County or a releasing agency to an individual, under circumstances where that individual becomes the rightful owner of the animal.
- The term "*animal*" does not include agricultural animals;
- The term "*releasing agency*," as used in this policy, refers to a humane society, animal welfare organization, and society for the prevention of cruelty to animals, or another similar entity or home-based rescue, which releases animals for adoption.
- The term "*rightful owner*" means a person with a legal property right in an animal

Other terms. Other terms shall have the meanings set forth in the Code of Virginia (Ref. 3.2-6500) and the Virginia Administrative Code (Ref. 2VAC5-111-10).

- D. Hours Open to the Public. The facility shall be open for business on Monday, Tuesday, Thursday and Friday from 11 AM to 4 PM and Saturday from 11 AM to 2 PM, County holidays excepted. Hours and information regarding access for services shall be posted on signs located on the gate at the entrance to the shelter and at the front door to the office.
- E. Required Statements. Every staff member providing care or working at the facility shall provide a signed, written statement certifying that he or she has never been convicted of animal cruelty, neglect or abandonment. This statement shall be maintained in a file at the facility by the Animal Shelter Manager and each staff member shall be advised of his or her obligation to update the statement as changes occur.
- F. Record-keeping. The Animal Shelter Manager shall maintain written records at the shelter for a period of five years required by the Code of Virginia.
- i. Records that pertain to the animal's disposition while housed at the MCAS, such as adoptions, custody records, medical records, daily observations, reclaims, and release agency forms.
 - ii. Animal Shelter Manager shall maintain written records of contacts with individuals who have found a companion animal and who are providing care or safekeeping of that animal. The records shall include the following information:
 1. Name and a contact telephone number of the person who is holding the animal;
 2. A description of the animal, including information from any tag, license, collar, tattoo, microchip, or other identification or markings; and
 3. The location where the animal was found.
 - iii. If a person contacts the shelter inquiring about a lost companion animal, Animal Shelter Manager shall advise the person (i) if the companion animal is confined at the shelter, or (ii) if a companion animal of similar description is confined there. The Animal Shelter Manager shall also check shelter records maintained and provide the person with any other information that it may have regarding the lost companion animal, or animals fitting that description. Upon request, a person inquiring about a lost companion animal shall be allowed to view the shelter's written records containing information about companion animals that have been found or that have been placed for adoption.
- G. Record keeping: (B) general inquires.
- i. *Custody*--Animal Shelter Manager shall maintain an animal custody record for each of the animals received into the shelter. In addition, Animal Shelter Manager shall keep detailed, written records of the disposition and euthanasia of individual animals.
 - ii. *Data required for State Report*--Animal Shelter Manager shall keep and maintain records and information sufficient to complete the annual Animal Record Summary Report required by the Virginia Department of Agriculture &

- Consumer Services. This annual report shall be filed with the state each calendar year by the Animal Shelter Manager.
- iii. *Monthly Animal Shelter Manager Report*—The Animal Shelter Manager shall provide the County Administrator with a monthly Animal Record Summary Report.
 - iv. *Inventory*—An inventory of all items housed at the at the shelter shall be maintained by the Animal Shelter Manager and produced at the request of the County Administrator.
 - v. *Records of donations*—The Animal Shelter Manager shall keep a record of cash, equipment and supplies donated by specific individuals or organizations, including the date on which the donation was made, the nature, quantity and condition of the equipment or supplies, and the name of the donor. Gift cards are prohibited and shall not be accepted. Each month, donations of equipment and supplies shall be incorporated into the ongoing inventory.
 - vi. *Cash management*—Animal Shelter Manager shall keep a daily record the amount of cash and checks received, the names of the individuals from whom it's taken, and the purpose (e.g., donation, or adoption payment). Animal Shelter Manager shall provide individuals with receipts for cash taken in. Animal Shelter Manager shall store cash and checks on hand in a secure, locked location. Cash and checks shall be promptly deposited with the County Treasurer, no less frequently than once per week.
 - vii. *Adoption resources.* Animal Shelter Manager shall keep a current list of individual volunteers and animal welfare organizations willing to assist with locating appropriate adoptive placements for animals. It is the policy of the County to find good homes for as many animals as possible. Toward that end, Animal Shelter Manager will welcome and seek out assistance from all appropriate resources.
 - viii. *Signed Statement-* The Madison County Public Animal Shelter shall obtain a signed statement from each of its staff, volunteer or other animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each shall update such statement as changes occur.

H. Required holding periods.

- i. An animal received at the Public Animal Shelter shall be kept for a period of not less than five days, such stray hold period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.
- ii. Upon receiving an animal into the Public Animal Shelter, the Animal Shelter Manager shall determine whether the animal has a collar, tag, license, tattoo, microchip, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified whether by identification or reviewing the Found Reports. The Animal Shelter Manager shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

- iii. If an animal confined in the Public Animal Shelter has not been claimed upon expiration of the required holding period, then (a) it will be deemed abandoned and will become the property of the County, and (b) Animal Shelter Manager shall promptly arrange for disposition of the animal through one of the alternatives set forth within subparagraph (I) Disposition of Animals
- iv. Nothing in this section shall preclude Animal Shelter Manager from arranging for the euthanasia or other disposition of animals prior to the required holding period, under the following circumstances:
 - 1. A critically injured, critically ill, or un-weaned animal may be immediately euthanized for humane purposes;
 - 2. An animal whose owner has read and signed a statement surrendering all property rights may be immediately euthanized or disposed of, if the owner in his or her written statement has acknowledged that this may take place.
 - 3. Feral dogs or cats not bearing any collar, tag, tattoo or other form of identification, may be euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. [Reference §3.2-6546(G)]
 - a. The feral dog or cat exhibits behavior that poses a risk of physical injury to any person confining the animal, and
 - b. The risk is documented in a written statement of a disinterested person (the disinterested person must be someone other than a person releasing or reporting the animal)
- I. Disposition of animals. Upon expiration of the required holding period, the Animal Shelter Manager shall promptly arrange one of the following dispositions for an animal:
- J. Transfer of custody:
 - i. Transfer of custody of the animal to a Releasing Agency.
 - 1. A releasing agency within the Commonwealth of Virginia, if the agency has provided Animal Shelter Manager with the written statements required by Va. Code § 3.2-6546(D)(1); or
 - 2. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other releasing agency located in and lawfully operating under the laws of another state, provided that such animal shelter, or other releasing agency: (i) maintains records that would comply with 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, Animal Shelter Manager, and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the public or private animal shelter, or other releasing agency within the Commonwealth a statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the provisions of this chapter.
 - 3. For purposes of recordkeeping, release of an animal by a pound to a pound, animal shelter or other releasing agency shall be considered a transfer and not

an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

4. Each transfer of an animal to a releasing agency shall be documented by a written agreement. An animal transferred to a releasing agency shall be immediately removed from the Public Animal Shelter premises by the agency; however, case-by-case exceptions may be made if the releasing agency is willing to enter into a written agreement that sets forth in detail the terms and conditions under which the animal will remain on the premises of the Public Animal Shelter, including a specific date on which the releasing agency will be required to remove the animal from the premises.

A. Adoption:

- c. *In-county adoption.* Adoption of the animal by a resident of Madison County (a) who pays the required license fee, and (b) who signs a written statement specifying that he or she has never been convicted of animal cruelty, neglect or abandonment. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4, under Virginia Code § 3.2-6546(D)(5).
- d. *Neighboring Jurisdictions.* Adoption of the animal by any other person who (a) signs a written statement specifying that he or she has never been convicted of animal cruelty, neglect or abandonment, and (b) pays the costs of a pre-adoption sterilization of the animal. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4, under Virginia Code § 3.2-6546(D)(5).
- e. *Other People.* Adoption of the animal by any other person who (a) signs a written statement specifying that he or she has never been convicted of animal cruelty, neglect or abandonment, and (b) pays the costs of a pre-adoption sterilization of the animal. No shelter shall release more than two animals or a family of animals during any 30-day period to any one person under subdivisions 2, 3, or 4, under Virginia Code § 3.2-6546(D)(5).

Animal Housing, Care, and Disposition

A. Shelter Capacity:

- i. The maximum number of dogs that may be sheltered at the Public Animal Shelter (i.e., indoor cages or confinement areas) at any one time is:
 1. 18 dogs, within indoor confinement areas with outdoor runs; and
 2. 4 dogs, within the indoor cages reserved for animals under observation;
 3. 3 litters of puppies, within the indoor “puppy space” cages; and
- ii. The maximum number of cats that may be sheltered at the Public Animal Shelter at any time is 35.
- iii. There shall be no animal cages within the office area, except temporarily during brief periods when an animal is being received into or transferred out of the Public Animal Shelter.
- iv. No animal cages shall be placed in any location(s) that would block any drain, air vent, window or any entrance/exit to the building.
- v. Outdoor enclosures shall not be used as the primary confinement area for any dogs. The outdoor enclosures shall only be used as a temporary basis when

needed such as confining during cleaning the kennels or during a meet and greet with a potential adopter. All guidelines and regulations shall be followed and meet the requirements of Virginia Code § 3.2-6500, as defined under adequate shelter.

B. Foster Care:

- i. Placement of the animal in a foster home, if the foster care provider meets the requirements of Va. Code §§ 3.2-6503 and 3.2-6546 and the provider signs a written statement specifying that he or she has never been convicted of animal cruelty, neglect or abandonment.

C. Care of Animals. Every companion animal on the premises of the Public Animal Shelter shall be provided with the following:

- i. Adequate food, which means food: that
 1. is of sufficient quantity and nutritive value to maintain each animal in good health;
 2. is accessible;
 3. is prepared to permit ease of consumption for the age, species, condition, size and type of animal;
 4. is provided in a clean and sanitary manner;
 5. is placed so as to minimize contamination by excrement and pests; and
 6. is provided at suitable intervals for the species, age and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.
- ii. Adequate water, which means:
 1. Every animal shall be provided with clean, fresh, potable water of a drinkable temperature. Water shall be provided in sufficient volume, and at suitable intervals, but at least once every 12 hours, to maintain normal hydration for the age, species, condition, size and type of animal, except:
 - a. as may otherwise be provided by a veterinarian; or
 - b. as dictated by naturally occurring states of hibernation or fasting normal for the species.
 2. Water shall be provided to animals in confinement areas by use of automatic watering devices, or non-toxic water bowls that are secured in a fixed position or a type that cannot be tipped over by the animal. Water receptacles must be clean and accessible to each animal and shall be placed to minimize contamination of the water by excrement and pests.
- iii. Adequate shelter, which means shelter that:
 1. is suitable for the species, age, condition, size and type of each animal;
 2. is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold;
 3. physically enables each animal to be clean and dry, except when detrimental to the species;

4. for dogs and cats, provides a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner;
5. Additional specifications for cages and enclosures:
 - a. Cages must be made of stainless steel, fiberglass, heavy galvanized metal, galvanized wire or equivalent, and shall have solid bottoms.
 - b. Pallets or resting boards made of non-porous materials shall be provided, so that animals can rest or sleep off the floor.
 - c. Blankets made of porous materials shall be removed and either replaced or laundered at least once per day.
 - d. Solid wastes shall be removed from animal cages and enclosures and with sufficient frequency to keep the enclosures clean, dry and sanitary for the animals; and
6. All cages and enclosures shall provide adequate space for each animal contained therein.
7. "Adequate space" means space sufficient to allow each animal to:
 - a. easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the animal, and
 - b. interact safely with other animals in the same cage or enclosure.
 - c. other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal, and that is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail.
 - d. When freedom of movement would endanger the animal, temporarily and appropriately restricting the movement of the animal according to professionally accepted standards for the species is considered adequate space.
- iv. Adequate exercise, which means an opportunity for an animal to move, sufficient to maintain normal muscle tone and mass for the age, species, size and condition of the animal.
- v. Adequate care and treatment, as those terms are defined within Va. Code § 3.2-6500, including veterinary treatment when needed or to prevent suffering or disease transmission.
 1. Upon being received into the Public Animal Shelter, animals which are unlikely to be euthanized immediately at the end of the required holding period shall be promptly de-wormed and vaccinated, as appropriate for their age and type of animal.

Disposal Of Solid Wastes and Dead Animals

- A. Dead Animals. Un-refrigerated dead animals shall be disposed of within 24 hours by off-site burial, incineration or other methods acceptable to the Department of Health.
- B. Disposal of Solid Wastes. Disposal of all solid wastes shall meet the requirements of applicable federal and state laws and local ordinances

Euthanasia

- A. Delivery. No person(s) other than a licensed veterinarian shall euthanize any animal at the Public Animal Shelter.
- B. Drug Storage. No drugs for euthanasia shall be stored at the Public Animal Shelter.

Buildings and Grounds

- A. Food Preparation and Storage
 - i. Food shall not be stored directly on the floor or on the ground but shall be placed on shelves or pallets a minimum of 12 inches above the ground or floor.
 - ii. Perishable food shall be refrigerated or promptly disposed of.
 - iii. Equipment and utensils used in the preparation and serving of food to animals shall be made of materials which are easily cleanable, non-corrosive and non-toxic.
 - iv. Food not eaten by animals in outside enclosures shall be promptly removed so as not to attract insects, rodents or other pests.
- B. Isolation and Observation Area
 - i. There shall be an area marked and maintained as an isolation area for incoming animals that are ill or suspected of being ill.
- C. Confinement Areas
 - i. Cages and confinement areas shall be cleaned at least once daily with disinfectants or germicidal agents
- D. Maintenance of Building: Air Circulation Systems
 - i. Filters for appliances and air circulation systems shall be changed in accordance with manufacturers' schedules.
 - ii. Animal Shelter Manager shall follow the requirements of the County's Facilities Director as to maintenance of the buildings, grounds, facilities and equipment of the Public Animal Shelter.
- E. Grounds Upkeep, Generally:
 - i. There shall be no outside storage of any food
 - ii. There shall be no storage of equipment or supplies except within the main building or an accessory storage building.
 - iii. All accumulated waste, rubbish and trash shall be stored in covered containers outside the main building, in a designated location. The contents of the covered containers shall be taken to the transfer station at least once daily.
 - iv. Animal Shelter Manager shall keep the exterior grounds free of accumulations of litter and trash. Paved parking lot surfaces, and other impervious ground surfaces open to the public shall be kept broom-clean at all times.

Motor Vehicles and Transportation Of Animals

- A. Operation of County-Owned Motor Vehicles.
 - i. No person other than a County employee or County volunteer shall be permitted to operate a County-owned motor vehicle. Supervisors of employees and

volunteers shall allow only those who meet the following eligibility criteria to drive on vehicles assigned to the Public Animal Shelter:

1. Be at least 18 years old.
2. Possess a valid Virginia driver's license.
3. A Department of Motor Vehicles driving record request ("MVR") is required for each prospective driver whose position requires driving. Prospective drivers must cooperate by completing the necessary forms to obtain their driving records. The MVR will be reviewed prior to the driver performing the required driving duties. The MVR will continue to be monitored throughout the driver's affiliation with the County.
4. Volunteers are only authorized to drive vehicles assigned to the Public Animal Shelter if they obtain written permission from their supervisor within the area to which they are assigned.
 - ii. It shall be the responsibility of the Animal Shelter Manager to obtain documentation of an employee's and volunteer's license and prior to allowing any employee to operate a County-owned vehicle.
 - iii. No County-owned motor vehicle assigned to the Public Animal Shelter shall be used for any purposes other than official County business.
 1. The more restrictive of the above motor vehicle policies or provisions of the Madison County Personnel Policy shall apply.

B. Transportation of Animals

- i. When transporting any animal, no Animal Shelter Manager member or volunteer shall allow the animal to be confined in any type of conveyance for more than 24 consecutive hours without being exercised, properly rested, fed and watered, as necessary for that particular type and species of animal. A reasonable extension of this time is permitted when an accident, storm or other act of God causes a delay.
- ii. Adequate space in the primary enclosure crate within any type of conveyance shall be provided for each animal being transported and shall be properly restrained.

Amendments of Policy

- A. This Madison County Public Animal Shelter Operations Manual may be amended from time to time by the County Administrator.
- B. The effective date of this SOP is: _____

Forms

The following section contains relevant forms pertaining to the operation of the Madison County Public Animal Shelter. Forms will appear in the order that they are listed in the Manual's table of contents.

AGENCY NAME: Madison County				ANIMAL CUSTODY RECORD <i>This form includes all mandated information as required by §3.2-6557.B of the Code of Virginia.</i>			
ANIMAL ID		CUSTODY DATE	___ / ___ / 20___		TIME	AM / PM	
REASON FOR CUSTODY (mark appropriate box)						LOCATION WHERE CUSTODY WAS TAKEN	
Stray/ At Large/ Unowned	Owner Surrender	Seized	Bite Case Quarantine	Transfer from Another Releasing Agency	Other		
				<input type="checkbox"/> Virginia			
				<input type="checkbox"/> Out of State			
OWNER'S NAME & ADDRESS (if known)				ADDITIONAL INFORMATION			
ANIMAL DESCRIPTION							
Species	Breed	Color/markings	Sex	Approx. Age	Approx. Weight	Other	
ANIMAL IDENTIFICATION (check for all forms and complete all boxes. If not found, write NONE)							
City/county License number	Rabies tag Number	Tattoo	Collar (color, type, etc.)			Other identification (microchip, ID tag, etc.)	
CUSTODY RECORD PREPARED BY:				DATE: ___ / ___ / 20___			
Signature & title							
DISPOSITION OF ANIMAL				DATE: ___ / ___ / 20___			
Return to owner	Adopted	Euthanized	Died in Custody	Transferred to another Virginia releasing agency (name of agency)	Transferred to Out-of-state releasing agency (name of agency)	Other	

*This form may be used by animal control officers, custodians of any public or private animal shelter, representatives of a humane society, or humane investigators to record and maintain the information required by §3.2-6557.B of the Code of Virginia. **This record shall be maintained for at least five years, and must be made available for public inspection upon request.** Information on this form is to be summarized and submitted annually to the State Veterinarian in the prescribed format. Questions regarding the use of this form may be directed to the Office of Animal Care and Emergency Response, (804) 692-4001, P.O. Box 1163, Richmond, Virginia 23218.*

Effective 7/2015

Ever Bitten: Yes / No Explain:

Date of bite:

RELEASE BY FINDER OR CUSTODIAN

I hereby certify that I am *not* the legal owner of the above animal(s). I release to the Madison County Animal Shelter all property right which I hold or may hold in that animal(s) as finder or custodian, and agree that said animal(s) shall be disposed of at the discretion of Madison County Animal Shelter in any manner authorized by the Virginia law, including euthanasia, without recourse on my part.

DATE: _____ SIGNED: _____

RELEASE BY OWNER

I hereby release and surrender all property rights, which I hold in the animal(s) described above. I understand and acknowledge that the described animal(s) may be immediately euthanized or otherwise disposed of by any methods listed in **Va. Code Sec. 3.2-6546 (E) (2)-(5)**. I certify that no other person has a right of property in the described animal(s). I understand that falsely representing the ownership of an animal to an animal shelter is a *Class 1* misdemeanor under **Va. Code Sec. 18-2-144.2** carrying a maximum penalty of 12 month in jail and a \$2,500 fine.

Date: _____ SIGNED: _____

Body Condition Score: 1 (emaciated) 2 3 4 5 6 7 8 9 10 (obese)

Gait: Walks normally Limp on _____ Will not walk Other: _____

Skin: Normal Missing Hair Itchy, red

Mucus membranes: Pink Red Yellow Blue Pale / White Other: _____

Ears: Clean / No debris Little debris Lots of debris

Eyes: Clean Discharge Red Not opening eye(s)

Fleas? Yes None seen

Ticks? Yes None seen

Visible injuries or wounds? No Yes, Describe: _____

Temperament/Disposition: _____

Animal #: _____

Animal Name: _____

DAILY OBSERVATION SHEET

Note your observations by writing your Initials in the appropriate boxes below

Date	AM	PM												
Time														
APPETITE DRY														
Normal														
Nibbling														
Not Eating														
APPETITE WET														
Normal														
Nibbling														
Not Eating														
STOOLS														
Formed														
Diarrhea														
Bloody														
None														
URINE														
Normal														
Excessive														
Bloody														
Straining														
None														
VOMITING														
None														
Food														
Bile														
Hairball														
Other:														
COUGHING														
Yes														
No														
SNEEZING														
Yes														
No														
NASAL DISCHARGE														
None														
Clear														
Cloudy/Opaque/Green/Yellow														
Blood														
EYES														
Clear														
Pus/Mucus														
Red/Irritated														
Swollen														
BEHAVIOR														
Friendly														
Scared/Shy														
Listless/Depressed														
Aggressive/Feral														
Urine Outside of Litterbox														
Stool Outside of Litterbox														

Notes:

Madison County Public Animal Shelter Agreement with Outside Releasing Agency

In consideration of receiving an animal from the Madison County Public Animal Shelter, and by my signature on this agreement:

1. I certify that I am authorized to make this agreement on behalf of the Agency whether for an animal shelter, humane society, animal welfare organization, society for the prevention of animal cruelty to animals, animal rescue organization, or other similar entity.

Organization Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

I also certify that the above referenced organization has obtained a signed statement from each of its directors, operators, Animal Shelter Manager and animal caregivers specifying that each individual has never been convicted of animal cruelty. These records are updated from time to time, as necessary.

2. I certify that I am not taking possession of this animal for, or on behalf of, any pet shop dealer, or research facility I agree that I will not sell or transfer this animal to any pet shop, dealer, or research facility.
3. I acknowledge that Virginia law requires me to provide this animal with adequate food, water, shelter, and veterinary treatment as may be necessary. I agree to provide such care at my own Agency's cost.
4. I acknowledge that Madison County officials and employees do not make any warranties regarding the health or ownership of this animal, or of the animal's temperament or suitability as a pet.
5. I understand that the Agency may not place this animal for adoption unless or until the animal has been sterilized by a licensed veterinarian or the Individual adopting on animal signs an agreement to have the animal sterilized by a licensed veterinarian.

VA Code 3.1-796.67 defines "releasing agency" as including any animal shelter humane society, animal welfare society, society for the prevention of cruelty to animals and other similar entities. 3.2-6

Name of Authorized Accepting Animal: _____

Signature: _____

Date: _____

Accepting Agency Physical Address: _____

Mailing Address (if different): _____

Telephone: _____ Email: _____

Released by Madison County Public Animal Shelter

Mailing Address: P.O. Box 705, Madison, Virginia, 22727

Physical Address: 4590 Shelby Road, Madison, Virginia, 22727

Telephone: (540) 948-6945 Fax: (540) 948-7052

Date of Release: _____

Animal #: _____ Name: _____

Species/Breed: _____

Color: _____ Sex: _____ Weight: _____ Approx. Age: _____

Additional Information: _____

DHPP: _____ Bordetella: _____

Rabies 1 Year: _____ FVRCP: _____ FELV: _____

FELV Test: _____ Heartworm Test: _____

Worming Medications: _____

Sterilized Prior to Release?: Yes: _____ No: _____

Other Notes:

Madison County Public Animal Shelter Animal Adoption Agreement

In consideration of receiving an animal from the Madison County Public Animal Shelter, and by my signature on this agreement, I make the following certification and acknowledgements and I agree to the following terms and conditions:

1. I certify that I have never been convicted of animal cruelty, neglect, or abandonment. Further, I certify that no person residing in my household has ever been convicted of animal cruelty, neglect, or abandonment and has not adopted 2 animals in the last 30 days from the Madison County Animal Shelter.
2. I certify that I am not adopting this for, or on behalf of, any pet shop, dealer, or research facility.
3. I acknowledge that Virginia law requires me to provide this animal with adequate food, water, shelter, and veterinary treatment as may be necessary. I agree to provide such care at my own cost.
4. I acknowledge that Madison County officials and employees do not make any warranties regarding the health or ownership of this animal, or the animal's temperament or suitability for my home. Within 15 days from the date of adoption, if for any reason I decide to return/ surrender the animal back to the shelter, the MCAS spay/neuter cost will not be refunded. After 15 days of the adoption none of the Adoption Fee shall be nonrefundable. We advise within five days of adoption to complete a wellness exam by your veterinarian.
5. I acknowledge that the law requires any dog 4 months or older: (i) to be currently vaccinated for rabies and (ii) to wear a collar with a current County issued tag. I agree to comply with this requirement.
6. I acknowledge that **VIRGINIA LAW REQUIRES THIS ANIMAL TO BE STERILIZED WITHIN 30 DAYS OF THE AGREEMENT (ON OR BEFORE _____) OR WITHIN 30 DAYS AFTER THE ANIMAL REACHES 6 MONTHS OF AGE, IF THE ANIMAL IS NOT SEXUALLY MATURE AT THE TIME OF ADOPTION (ON OR BEFORE _____)**. If this animal has not already been sterilized at the time of adoption, I agree to have the animal sterilized by a licensed veterinarian. Within 7 days after sterilization I will deliver or mail to Madison County written confirmation of compliance with this requirement, signed by the veterinarian who performed sterilization. **I UNDERSTAND THAT IF I FAIL TO COMPLY WITH THIS REQUIREMENT I WILL BE SUBJECT TO A CIVIL PENALTY OF UP TO \$150.**

Name of Adopting Individual: _____
 Signature: _____
 Date: _____
 Driver's License #: _____
 Residence Address: _____
 Mailing Address (if different): _____
 Home #: _____ Cell: _____
 Work: _____ Email: _____

Releasing Agency: Madison County Public Animal Shelter
 Mailing Address: P.O. Box 705, Madison, Virginia, 22727
 Physical Address: 4590 Shelby Road, Madison, Virginia, 22727
 Telephone: (540) 948-6945 Fax: (540) 948-7052
 Animal Number: _____
 Animal Name: _____
 Species/Breed: _____
 Color: _____
 Sex: _____
 Approximate Age: _____
 Date of Release: _____
 Sterilized: Yes or No
 Sterilization Fee: _____
 Adoption Fee: _____
 Rabies: _____ Distemper: _____ Worming: _____
 Heartworm Test: _____
 Total: _____

Madison County Public Animal Shelter
PO Box 705
Madison, Virginia 22727
540-948-6945

Sterilization Agreement

Date: _____
Name: _____
Address: _____

Phone: _____
Email: _____

Animal Name: _____
Animal Number: _____
Species: _____
Breed: _____
Color: _____
Sex: Male or Female
Approximate Age: _____
Approximate Weight: _____

Sterilization is required by state law, pursuant to Section 3.2-6575 of the Virginia Comprehensive Animal Laws. Violation of this article is subject to a civil penalty and that the new owner may be compelled to comply with the provisions of this article.

The above named person, as the new owner of the described animal, is required to have the animal sterilized no later than _____.

Signature of Representative of Madison County Public Animal Shelter: _____
Date: _____

Signature of New Owner: _____
Date: _____

Madison County Public Animal Shelter Waiting List

Name: _____ Date: _____

Address: _____
_____ Email: _____

Phone: (____) ____ - ____ Cell: (____) ____ - ____

Description of animal he/she is waiting for:

Name: _____ Date: _____

Address: _____
_____ Email: _____

Phone: (____) ____ - ____ Cell: (____) ____ - ____

Description of animal he/she is waiting for:

Name: _____ Date: _____

Address: _____
_____ Email: _____

Phone: (____) ____ - ____ Cell: (____) ____ - ____

Description of animal he/she is waiting for:

Madison County Public Animal Shelter Lost Animal Report

Date: ____ / ____ / ____

Date Lost: ____ / ____ / ____

Lost From: _____

Species: Cat ____ Dog ____ Other: _____

Breed: _____ Micro-chipped: _____ Tattoo: _____

Collar: Yes No Color: _____

Approximate Age: _____

Approximate Weight: _____ Photo Provided: Yes No

Description of Animal:

Owner's Name: _____

Address: _____

Phone: (____) ____ - ____ Cell: (____) ____ - ____

Email: _____

Additional Information:

Animal Shelter Manager Completing Report: _____

Madison County Public Animal Shelter Found Animal Report

Date: _____ / _____ / _____

Date Found: _____ / _____ / _____

Area Found At: _____

Species: Cat _____ Dog _____ Other: _____

Breed: _____

Collar: Yes No Color: _____ Tags: Yes No

Approximate Age: _____ Approximate Weight: _____

Sex: Male Female Sterilized: Yes No

Microchipped: _____ Tattoo: _____ Photos: _____

Description of Animal:

Finder's Name: _____

Address: _____

_____ Email: _____

Phone: (_____) _____ - _____ Cell: (_____) _____ - _____

Okay to Give Out Number?: Yes No

Animal Shelter Manager Completing Report: _____

**** PLEASE NOTIFY ANIMAL SHELTER IF YOU FIND THE OWNER ****

Date	Comments	Initials

Madison County Public Animal Shelter
P.O. Box 705
Madison, Virginia 22727
Office: (540) 948-6945

Madison County Public Animal Shelter Reclaim/Repayment Form

Animal #: _____ Name: _____ Breed: _____
Color: _____ Age: _____
Date In: _____ Date Released to Owner: _____
Released By: _____ Pick-Up/Boarding Fees: _____
Cash or Check #: _____

**** NOTICE: ANIMALS CAN ONLY BE RELEASED TO THEIR OWNER! ****

Important: The following is to be filled in completely:

I hereby certify that I am the legal owner of the above animal(s) & shall be confined at all times on own property and not running at large. You are hereby officially notified by Animal Control to contain your animal(s).

Please Print Legibly:

Owner Name: _____

Full Address: _____

Driver's #: _____ Phone #: _____

Email: _____

Do you have a current **Rabies Shot**? Yes No

Do you have current **County Tags**? Yes No

Important: Proof of Rabies and County Tags are to be sent to or brought by the Madison County Animal Control Office to verify **WITHIN 5 BUSINESS DAYS** (Monday-Friday) from date reclaimed.

Owner's Signature: _____

By signing this, I hereby acknowledge that I have read, understand and agree that I am the legal owner of the above animal(s) and agree the animal(s) is in good condition upon reclaiming from the Madison County Public Animal Shelter.



Madison County Public Animal Shelter
P.O. Box 705
Madison, Virginia 22727 (540) 948-6945
Fax: 540-948-7052

Madison County Public Animal Shelter Employment/Volunteer Agreement

Please check one: Employee Volunteer

In the animal care field, we will see and deal with many difficult situations. Many of these include animals that have been abused, abandoned, mistreated, and exposed to disease. We will also have to perform euthanasia on animals that we have become attached to. We will deal with aggressive animals and animals that are known to be biters. We will take every precaution to prevent injury to any human as well as animals. Please sign and date the statement below.

I, _____, have never been convicted of animal cruelty, neglect, abuse, or abandonment. I will notify my employer of any charges that may be filed against me concerning animal cruelty, neglect, abuse, or abandonment immediately.

Employee/Volunteer Signature:

_____ Date: _____

Supervisor's Signature

_____ Date: _____

Employee/Volunteer Name: _____

Address: _____

_____ Email: _____

Phone: _____ Cell: _____

Hire Date: _____ Reason for Termination: _____



Parental Permission
(To be completed by Parent/Legal Guardian)

Name of Volunteer: _____

Home Phone: _____

Email: _____

Emergency Contact: _____ Phone: _____
(Include Relationship)

Email: _____

I/We grant permission for the above named volunteer to participate in volunteering at the Madison County Public Animal Shelter.

Printed Name of Parent/Legal Guardian Date: _____

Signature of Parent/Legal Guardian Date: _____



Madison County Public Animal Shelter
P.O. Box 705
Madison, VA 22727
540-948-6945

Madison County Public Animal Shelter Cat Trap / Carrier Loan Agreement

Havahart Trap #: _____ Carrier #: _____

Name: _____

Phone: _____ Cell: _____

Address: _____ Work: _____

Mailing: _____ City: _____ State: _____

Zip-code: _____ Email: _____

I, _____, the undersigned, do hereby declare that I am aware:

1. There is a \$50.00 deposit on the trap/carrier.
2. The trap must be returned to Madison County Public Animal Shelter within two weeks _____ in good working order, or I forfeit my deposit.
3. I take full responsibility for any injury caused while using the trap/carrier. I hereby accept the terms and conditions of the loan of a trap/carrier. I hereby accept release Madison County form any liability for any injury caused while using this trap and any causes of action, claims, suits, or demands whatever that may arise as a result of such injuries.

Signature: _____ Date: _____

MCPAS Representative: _____ Date: _____

Loan Date: _____ Return Date: _____

Notes: _____

Suggested Closed Session Actions: October 7, 2020 v1

I move that the Board convene in a closed session pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion on the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of the County Administrator and the County Attorney.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

Motion to Reconvene In Open Session:

I move that the Board re-convene in open session.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

Motion to Certify Compliance:

I move to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A) (1) only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

§ 2.2-3711. Closed meetings authorized for certain limited purposes. (Excerpts)

A. Public bodies may hold closed meetings only for the following purposes:

Personnel 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

Real Estate 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Privacy 4. The protection of the privacy of individuals in personal matters not related to public business.

Economic Development 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Legal 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Legal 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Public Safety 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

Negotiations 29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Economic Development 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.