

**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	<b>Sec. 1-2. Definitions and rules of construction.</b> <i>Health Officer.</i> The term "Health Officer" means <del>the Public Health Officer of the County or representative of the State Board of Health</del> any duly appointed representative of the State Health Commissioner at the Virginia Department of Health serving the County.
2	CD1:7	<b>Sec. 1-13. Copies of Code and supplements to be made available for public inspection.</b> At least <del>three copies</del> <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	<b>Sec. 2-25. Review of criminal history record information of applicants for County employment.</b>  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><b>Sec. 4-23. Permit required.</b></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><b>8-1. Short Title</b></p> <p><u>This ordinance may be known and referred to as the Madison County Building Code.</u></p> <p><b>8-2. Adoption</b></p> <p>(a) <u>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 7same extent as if set out herein at length, and shall control a8ll matters concerning the construction, rehabilitation or repair of new or existing structures;</u></p> <p>(b) <u>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>(1) <u>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>(2) <u>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>(c) <u>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><b>8-3. Enforcement</b></p> <p>(a) <u>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>(b) <u>A copy of the Virginia Uniform Statewide Building Code shall be maintained on file in the Department of Planning and Community</u></p>

Development.

**8-4. General Requirements**

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:

(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 *unsafe* as cited in this Code.

**8-5. Appeals**

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.

**8-6. Administrative Practices**

The Building Official shall establish such procedures or requirements as may be necessary for administration and enforcement of this ordinance.

**8-7. Severability**

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.

7

CD14:9

**Sec. 14-27. Procedures for plan review and administration.**

(a) *Plan review.*

- (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.

(b) *Performance guarantees.* 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.

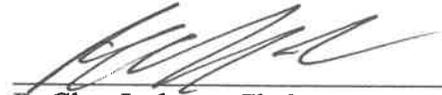
- (1) If the County takes such measures upon such failure by the person conducting the land disturbing activity and the costs of required corrective action exceed the security held, the County Board of Supervisors may collect from such person

		<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><b>Sec. 14-28. Preconstruction conference.</b></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 <del>County Administrator or his agent</del> at the time the plan is approved. <i>(Ord. No. 2014-7, § 10, 7-1-2014)</i></p>
9	CD14-11	<p><b>Sec. 14-30. Approval, expiration and extension.</b></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 <del>County Board of Supervisors</del> Administrator or his agent 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 or his agent shall acknowledge the request upon receipt, and the <del>Administrator or his agent</del> <del>County Board of Supervisors</del> shall make a decision on the requested extension within 30 days of the request receipt. If such extension is granted, the <del>Administrator or his agent</del> <del>County Board of Supervisors</del> 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><b>Sec. 24-31. Protocol concerning delinquent payments.</b></p> <p>If on <del>June</del> April 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 <del>November</del> June 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><b>Sec. 24-279. Court security fee.</b></p> <p>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. <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 7<sup>th</sup> day of October, 2020 on motion of Supervisor Yowell, seconded by Supervisor Foster.

  
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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	<u>X</u>	_____	_____	_____
Charlotte Hoffman	<u>X</u>	_____	_____	_____
Kevin McGhee	<u>X</u>	_____	_____	_____
Amber Foster	<u>X</u>	_____	_____	_____
Carlton Yowell	<u>x</u>	_____	_____	_____