

July 14, 2008

The Carroll County Board of Supervisors held their regular meeting on Monday, July 14, 2008 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: W.S. "Sam" Dickson, Chairman
 David V. Hutchins, Vice-Chairman
 Andrew S. Jackson
 Wesley G. Hurst
 Dr. Thomas W. Littrell
 N. Manus McMillian
 Gary Larrowe, County Administrator
 Ronald L. Newman, Assistant Administrator
 James E. Cornwell, Jr., County Attorney

Mr. Dickson called the meeting to Order at 4:05 p.m. and asked Mr. Hutchins to lead in prayer and the pledge of allegiance.

Mr. Dickson told that it is a pleasure to see everyone. He moved the EMS award presentation on the agenda to follow the Consent Agenda. He told what a pleasure it was last week to announce that Loves' Truck Stop with Subway and McDonalds with a \$7-9 million investment and 70-90 jobs.

Mr. Dickson told that last month the County had an audit report and it has been stated that the County has lost money or found money. The report stated that there is \$10.5 million in reserve and that is correct by their procedure. He told that the money is there, but it is committed and that it shows monies such as the School accrual account of \$1.5 million and others and told that the balance of \$7.2 million is really close and \$2 million of that will be transferred to the school system this month. He told that the real estate is around \$11 million that comes in October – December and that funds hit a low in September. He stated that in previous years the County has had to borrow money until taxes come in.

(Order)

APPROVAL OF MINUTES

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved the minutes of the regular meeting held on June 9, 2008, and special meetings held on June 12, 2008 and on June 23, 2008 as previously distributed to the members of this Board by its Clerk and as recorded in Minute Book No. 25 in the County Administrator's Office.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes

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Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVAL OF PAYROLL

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved the payroll for June 2008 and did authorize the Chairman and Clerk, along with Bonita M. Williams, Treasurer, to sign on the 15th and 31st days of July checks for the payment of salaries and wages for all County officials and employees as previously budgeted by the State Compensation Board and this Board of Supervisors.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVE SCHOOL BOARD APPROPRIATION

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved appropriating the carry-over funds from grants, programs, and specific funded allocations which require unspent funds to be carried over from Health Services (Medicaid) to Administration, Attendance and Health in the amount of \$300,645.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVE EMERGENCY MEDICAL SERVICES APPROPRIATION

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Upon motion by Mr. McMillian, seconded b Mr. Jackson, and passed unanimously, the Board approved appropriating the grant award for an ambulance received from the Office of Emergency Medical Services to Carroll EMS Ambulance Purchase, line item 035060-9010,in the amount of \$81,391.20.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVE FARMERS MARKET APPROPRIATION

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved appropriating \$10,000 for the new Farmers Market grant from the Virginia Department of Agriculture and Consumer Services USDA to the Farmers Market Capital Outlay line item 083060-9010.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVE MAINTENANCE TRANSFER OF EQUIPMENT

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved transferring a Randsomes Bobcat ZT225, model # 942224 to the Carroll County PSA instead of sending to surplus.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes

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Mr. McMillianYes

(Order)

APPROVE ADDITIONAL APPROPRIATIONS – FISCAL YEAR 2008

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved appropriating the following amounts to the respective line items to close out fiscal year 2007-2008:

012030-1003	Resource Development Office	\$ 619.08
012090-2010	Commissioner of Revenue	3,693.44
012100-2010	Real Estate Appraiser	2,594.09
013020-2002	Registrar	6,641.72
021060-9009	Clerk of Circuit Court	85,937.68
032040-5604	Emergency Communications	11,294.17
035010-7001	Animal Control	2,772.08
042030-3011	Cana Trash Site Operation	1,905.42
043010-1001	Maintenance County Complex	14,985.15
043090-7000	Maintenance of Lovells Creek Dam	462.95
043120-5408	Maintenance Force – Vehicles	4,462.40
043160-6000	Public Utilities	2,178.47
043200-5102	Maintenance General Properties	10,873.11
052010-5604	Mental Health & Mental Retardation	0.04
053020-6901	Public Assistance	33,422.94
061010-5604	Community Colleges	0.04
071050-9000	Swimming Pool	1,759.98
082040-1001	Extension and Continuing Education	8,572.63

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillianYes

(Order)

APPROVAL OF CLAIMS

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved the County General Claims as presented this day and as evidenced by check numbers 90839, and 90900-91022.

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VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

(Order)

APPROVE TREASURER'S REPORT

Upon motion by Mr. McMillian, seconded by Mr. Jackson, and passed unanimously, the Board approved the Treasurer's Report for month ended June 30, 2008.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Mr. Littrell Yes
Mr. McMillian Yes

EMS PRESENTATION

Mr. Dickson announced that Mr. Tommy Wilmouth had been recognized by the State for outstanding service and told that Carroll County is pleased to have him as part of our team.

Mr. Roma told that Sheila Phillips came to EMS as an EMT two years ago and she is now a Paramedic.

(Order)

CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A5,A7)

Upon motion by Mr. McMillian, seconded by Mr. Hutchins, and passed unanimously, the Board convened a Closed Session at 4:17 p.m. to 4:50 p.m. for the discussion of personnel, for the discussion of disposition of real estate where public discussion would be detrimental to the County's position, for the discussion of a prospective business or industry where no public

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announcement has been made of the business or industry's desire to locate or expand in the County, and for the discussion of legal matters pertaining to threatened or pending litigation as authorized by Virginia Code Section 2.2-3711(A1), (A3), (A5), (A7).

(Order)

CERTIFICATION OF CLOSED SESSION

Upon motion by Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board adopted the following Resolution:

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session this date pursuant to an affirmative recorded vote and on the motion to close the meeting in accordance with the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711(D) of the Code of Virginia requires a certification by the Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Carroll County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such business matters as were identified in the motion by which this Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

CITIZENS TIME

Mr. Clyde Easter told that he asked a question a month ago and would still like to know the status of the log home deal with Amerlink. He told that he understood they were to have 180-200 jobs and all they have is a home sales center with 3 jobs. He told that Amerlink demanded that the land be deeded over to them and he understood that it was done and the company has not produced. He told that the County is in recession and needs to be careful or it will go into depression. He told that he does not want to see this for the County. He stated the County needs manufacturing jobs but service jobs are better than nothing. He told that he is not fully aware of what happened with the real estate deal with United County, but it is valuable property and the County might need to look at a 99 year lease so it would come back to the County. He told that the County needs to be careful and do background checks on companies.

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Mr. Kevin Sheer asked about the Code of Carroll County and the Control of Nuisance of Animals. He told that he has experience with many dogs rushing out of their owner's property and chasing him on his motorcycle. He told that he has called Animal control and was told if he contacted the owners it would just upset them because the County did not have an ordinance to enforce.

PEOPLE INCORPORATED

Mr. Robert Goldsmith presented a handout. He told that they used Community Development Block Grant funds to fund programs and they also use Small Business Assistance funds to borrow and re-loan funds working on a micro enterprise loan program. He told that the State has local innovation programs where local governments can apply for funds. He told the he recommends working with Galax and Grayson County to submit the block grant application on behalf of People Inc. He told that there is no cost to the County to provide assistance to small businesses. He told that the Board will need 2 public hearings and asked that the Board schedule these for the next 2 meetings.

Mr. Dickson told that the Board needed to schedule a public hearing for next month and told that they have something like this at Crossroads.

Mr. Larowe told that People Inc. has helped with funding of some past projects and told that Carroll County had held a public hearing for general information on the block grants so the Board would only need one public hearing for the specific project. He told that it would be another means of helping small businesses.

PRESERVE AMERICA

Mr. Ken McFadden told that their projects are community driven and they work with the New River Watershed to acknowledge, promote and protect thing such as Sylvatus, the Carter Home, the Courthouse, Devils Den, and the Rock Churches. He told that they tell people about the County and it helps draw in tourism. He told that with the designation of Preserve America that localities become eligible for federal matching grants and asked the Board to adopt the resolution for application. He told that Carroll County has already done most everything except asked the White House for the designation. He told that he would ask for \$900-1000 to assist with the cost of preparing the application and told that Congress allocates the funds.

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Mr. Hutchins asked if it would be something that would help promote historical treasurers.

(Order)

ADOPTION OF PRESERVE AMERICA RESOLUTION

Upon motion by Mr. Hutchins, seconded by Mr. Hurst and passing unanimously, the Board approved the following resolution with funding not to exceed \$1000:

**Resolution in Application
For Carroll County's
Preserve America Community Designation**

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U. S. Department of the Interior, and the U. S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interest and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that the Carroll County Board of Supervisors will apply for the designation of Carroll County as a *Preserve America* Community; and be it further

RESOLVED, that the Carroll County Board of Supervisors will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes

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Dr. Littrell Yes
Mr. McMillian Yes

(Order)

PUBLIC HEARING – FLOODPLAIN ORDINANCE

Mr. Cornwell told that purpose of the public hearing. He told that people can not get insurance for flooding unless we have the ordinance because the one we have is out of date. He told that he drafted the ordinance to be in conformity with the National Federal Floodplain Insurance Program.

Mr. Dickson opened the Public Hearing at 5:33 p.m.

With on one to speak, the Public Hearing was closed at 5:34 p.m.

(Order)

ADOPTION OF FLOODPLAIN ORDINANCE

Upon motion by Mr. Hutchins, seconded by Mr. Jackson and passing unanimously, the Board approved the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 82
OF THE CODE OF CARROLL COUNTY, VIRGINIA
“FLOOD HAZARD REDUCTION”**

WHEREAS, Carroll County has previously adopted flood hazard reduction ordinances in compliance with the requirements of the Floodplain Management Program under the provisions of the National Floodplain Insurance Program; and,

WHEREAS, the provisions of those Programs have changed and, after public hearing and due consideration, the Board of Supervisors of Carroll County, Virginia has determined to modify and amend its ordinances to comply with such changes in order that properties within the County of Carroll may continue to qualify for flood insurance pursuant to the National Floodplain Insurance Program.

NOW THEREFORE, BE IT ORDAINED, that the following provisions of Chapter 82 of the Code of Carroll County, Virginia are hereby **AMENDED** as follows:

REPEAL CHAPTER 82 IN ITS ENTIRETY AND ADOPT THE FOLLOWING PROVISIONS TO REPLACE CHAPTER 82:

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Sec. 82-1. Purpose and applicability.

(a) *Purpose.* The purpose of this article is to prevent the loss of property and life, 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:

(1) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;

(2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;

(3) Requiring all such uses, activities and developments that do occur in flood prone areas to be protected and/or floodproofed against flooding and flood damage; and

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(b) *Applicability.* The provisions of this article shall apply to all lands within the unincorporated jurisdiction of the County and identified as being within the 100-year floodplain by the Federal Insurance Administration.

(c) *Implication.* The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodplain, or that uses not prohibited within the floodplain, will be free from flooding or flood damages.

Sec. 82-2. Definitions.

(a) For the purpose of this article, certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense shall include the future; words in the singular include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and directory; the word "may" is discretionary; words in the masculine gender include words in the feminine and neuter genders; any reference to this article includes all ordinances amending or supplementing this article.

(b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Agent means the individual charged with the responsibility to administer and enforce this article and to perform the duties outlined in this article.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – The Federal Emergency Management Agency designated one hundred (100)-year flood water surface elevation.

Basement – Any area of the building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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.

Elevated Buildings – a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

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.

Existing manufactured home park or subdivision—a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by the County.

Expansion to an existing manufactured home park or subdivision—the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

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(including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads)

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 water; or, (b) the unusual and rapid accumulation or runoff of surface waters from any source.

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.

Floodplain or Flood prone area means any land area susceptible to being flooded by water from any source.

Floodway means 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 a designated height.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to 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.

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

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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.

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 a 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.

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 park trailers, travel trailers, and other similar vehicles placed one a site for greater than 180 consecutive days.

Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

New Construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of the initial floodplain management regulation adopted by the county and includes any subsequent improvements to such structures.

New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

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(including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Article.

Recreational vehicles - means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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.

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.

Start of Construction - 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 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.

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.

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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 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 not preclude the structure's continued designation as a historic structure.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, for insurance purposes means:

- (1) A walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For insurance purposes, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

- (2) A manufactured home ("a manufactured home," also known as mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or,

- (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinance or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

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100-year flood means a flood that, on the average, is likely to occur once every 100 years; i.e., a flood that has a one percent chance of occurring in any given year, although the flood may actually occur in any year.

Planning commission means the Carroll County Planning Commission.

Watercourse means 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.

Sec. 82-3. Compliance and liability; severability; violations; agent.

(a) *Compliance and liability.*

(1) *Compliance with article.* After the effective date of the ordinance from which this article is derived, no land shall 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 article and of any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

(2) *Liability of county.* This article shall not create liability on the part of the county or of any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

(b) *Abrogation and greater restrictions.* This article supersedes any ordinance currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

(c) *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions shall continue in full force and effect, and for this purpose, the provisions of this article are hereby declared to be severable.

(d) *Violations.*

(1) *Misdemeanor.* A violation of any provision of this article, or of any lawful order or direction of the agent or any other authorized employee of the county given pursuant to this article, shall constitute a class 1 misdemeanor.

(2) *Other remedies.* In addition to the penalties in subsection (d)(1) of this section, 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 the person responsible therefor shall be required to correct or remedy such violation or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the board of supervisors to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(e) *Agent.*

(1) *Agent designated.* The county administrator is hereby designated as the agent for purposes of this article.

(2) *Agent may delegate.* The agent may request assistance from any department, agency, or staff member of the county in performing the duties assigned by this article, and may delegate to them such tasks as the agent deems reasonable to ensure the orderly and timely administration of this article. The agent shall in all cases retain final authority in matters granted by this article.

Sec. 82-4. Floodplain delineation.

(a) *Floodplain districts.*

(1) *Basis of Districts, 100-year floodplain.* The various floodplain districts referenced in this section shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of such districts shall be the Flood Insurance Rate Maps (FIRMs) for Carroll County, prepared by the **Federal Emergency Management Agency, Federal Insurance Administration, dated –August 28, 2008, as amended**, in which the boundaries of the Flood Plain Districts are shown on the Flood Insurance Rate Maps which are declared to be a part of this Ordinance and shall be kept on file at the Office of the County Administrator.

(2) *Floodway district.* The floodway district is delineated, for purposes of this article, using the criterion that certain areas within the 100-year floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of such flood more than one foot

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at any point. The areas included in this delineation are specifically defined in Table 01P on Map Number 51035C0245. Profiles and "Summary of Discharges" table are included on this map panel. No FEMA Flood Insurance Study (FIS) was prepared for Carroll County.

(3) *Special floodplain district.* The special floodplain district shall be those areas identified as an AE zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.

(4) *Approximated floodplain district.* The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown on the flood insurance rate map and identified as an A or an A99 zone.

(5) *Shallow flooding district.* The shallow flooding district shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

(b) *Map of floodplain boundaries.* The boundaries of the Special Flood Hazard Area and the Floodplain Districts are established as shown on the flood boundary and floodway map and/or flood insurance rate map, which is hereby declared to be a part of this article. An accurate copy of the map shall be kept on file at the agent's office.

(c) *District boundary changes.* The delineation of any of the floodplain districts may be changed by the board of supervisors where natural or manmade changes have occurred, and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or by another qualified agency or individual. Such studies shall document the need for such change. Prior to any such change, approval must be obtained from the Federal Insurance Administration.

(d) *Interpretation of district boundaries.* Initial interpretations of the boundaries of the floodplain districts shall be made by the agent. Should a dispute arise concerning the boundaries of any of the districts, the planning commission shall recommend, and the board of supervisors 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 in a hearing before the planning commission and the board of supervisors, and to submit appropriate technical evidence if so desired. The procedure for such hearing shall be the same as that specified for the hearing of exceptions under this article.

Sec. 82-5. Use of floodplain.

(a) *Floodplain permit required.* All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a floodplain permit.

(1) *Criteria for permit.* Such permit shall be issued by the agent only upon demonstration that the applicant plans to proceed in strict compliance with the provisions of this article and with all other applicable codes and ordinances, such as the Virginia Statewide Uniform Building Code and chapter 113 of this Code. Prior to the issuance of any such permit, the agent shall require all applications to include evidence of compliance with all applicable state and federal laws.

(2) *Information required.* All applications for floodplain permits in the floodplain districts shall require the following information to be submitted to the agent:

- a. The elevation of the lowest floor (including basement). For structures that have been elevated, the elevation of the lowest floor (including basement) shall include a two foot (24'') freeboard elevation above the base flood elevation;
- b. For structures to be floodproofed, or that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed. Such floodproofing shall render the building components below the elevation corresponding to the Base Flood Elevation, plus two feet above, 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;
- c. The elevation of the Base Flood at the site;
- d. Topographic information showing existing and proposed ground elevations.

(3) *Issuance of permit.* Upon demonstration by the applicant that the criteria of this article have been complied with, the agent shall issue a floodplain permit. Such permit shall authorize only the specific activities stated in the application for the permit. Any modifications or additions to the

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permitted activity shall require issuance of a new floodplain permit under the provisions of this article.

(4) *Time limit for floodplain permits.* If no development activity authorized by the floodplain permit has been commenced within one year from the date of issuance of the permit, such permit shall thereupon be rendered void.

(b) *Other permits.*

(1) *State and Federal approval required.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, or the like within the county, approval shall be obtained from the division of dam safety and floodplain management (department of conservation and recreation), and the Federal Insurance Administration.

(2) *Additional permits may be required.* A permit from the U.S. Army Corps of Engineers and the marine resources commission, and certification from the *Virginia Department of Environmental Quality* may be necessary (a joint permit application is available from any one of these organizations).

(3) *Local permits may be required.* In addition to the floodplain permit, any applicable additional permit (e.g., a building permit) required by the county shall be obtained prior to commencement of work.

(c) *Notification of other parties.* Further notification of the proposal shall be provided by the property owner or developer to all affected adjacent jurisdictions. Copies of such notifications shall be provided to the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation) and Federal Insurance Administration.

(d) *Watercourse carrying capacity not to be impaired.* Under no circumstances shall any use, activity or development in a floodplain district adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

(e) *Manufactured home placement.*

(1) *When new construction standards applicable.* For special flood hazard areas, each and every manufactured home placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as

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the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Sections 82-6 and 82-7 of this Article, as well as any and all applicable regulations currently in effect or hereafter adopted regulating the use, placement or construction of manufactured homes.

(2) *Existing manufactured home parks.* In addition to the requirements of any and all applicable regulations currently in effect or hereafter adopted regulating the use, placement or construction of manufactured homes, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood shall be elevated so that either

- a. the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation; or
- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and
- c. be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement

(3) *Foundation and anchoring required.* All manufactured homes to be placed or substantially improved within any floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code to prevent collapse, flotation or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top of frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces. .

(4) *Manufactured homes prohibited in floodways.* The placement of any manufactured home within any floodway district is specifically prohibited, except in an existing manufactured homes park or subdivision. This section shall not be deemed to require the removal of any such manufactured home lawfully constructed or located thereon prior to the enactment of this article. A replacement manufactured home may be placed on a lot in an existing manufactured home park

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or subdivision provided the anchoring, elevation, and encroachment standards are met.

(f) *Recreational vehicles.* Recreational vehicles shall either: (1) be on site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or (2) meet the permit requirement for placement and the elevation and anchoring requirements for manufactured homes as stated above. 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.

(g) *Floodway district development.* In the floodway district, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities. Encroachments, including fill, new construction, substantial improvements, and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies-with the County's endorsement-for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter and the applicable provisions of the Virginia Uniform Statewide Building Code.

(h) *Special floodplain district development.* 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 (Zones A1-30 and AE) on the Flood Rate Insurance Map, 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 the County. Development activities in Zones A1-30 and AE which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies-with the County's endorsement-for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

(i) *Approximated floodplain district development.* In the approximated floodplain district, the development and/or use of land shall be permitted in accordance with the provisions of this article, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

(1) *Applicant to delineate floodway.* Within the approximated floodplain district, the applicant shall also delineate a floodway area based on the requirement that all existing and anticipated future development not increase the 100-year flood elevation more than one foot at any given point within the County. The engineering principle "equal reduction of conveyance" shall be used to make the determination of increased flood heights.

(2) *Approximated floodway area development.* Within the floodway area delineated by the applicant, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities.

(3) When base flood elevation data or floodway data have not been provided, the Agent shall, in administering the provisions of this article, obtain and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other reliable source. When such base flood elevation data is utilized, the Agent shall obtain

- a. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. If the structure has been floodproofed in accordance with the requirements of this Article, the elevation in relation to mean sea level to which the structure has been floodproofed;
- c. When the data is not available from any such source, the lowest floor of the structure shall be elevated to no lower than 2 feet above the highest adjacent grade.

(j) *Shallow Flooding District development.* The following provisions shall apply within the Shallow Flooding District;

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- a. all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two (2) feet above the highest adjacent grade; or,
 - b. together with attendant utility and sanitary facilities, be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (k) 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 provided for subdivision proposals and other proposals for development (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Sec. 82-6. Design of Facilities, General Standards:

- (a) *Compliance with Statewide Building Code.* New construction and substantial improvements shall be according to the Virginia Uniform Statewide Building Code, and anchored to prevent flotation, collapse or lateral movement of the structure. Such new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, and shall utilize construction methods and practices that minimize flood damage.
- (b) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) in any floodplain district shall be designed to minimize or eliminate infiltration of floodwaters into

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the systems and discharges from the systems into the floodwaters. In addition, all such facilities, including on-site waste disposal systems, shall be located and constructed to minimize or eliminate flood damage, contamination and impairment during flooding.

(c) *Water facilities.* All new or replacement water facilities in any floodplain district shall be designed to minimize or eliminate infiltration of floodwaters into the system and shall be located and constructed to minimize or eliminate flood damage and impairment.

(d) *Drainage facilities.* All storm drainage facilities in any floodplain district shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. The board of supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with any local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(e) *Utilities.* All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) *Streets and sidewalks.* Streets and other thoroughfares, and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Any drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(g) *Compliance with standards for new construction:* Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this article must meet the requirements of "new construction" as contained in this article. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this article shall be undertaken only if said nonconformity is not furthered, extended or replaced,

Sec. 82-7. *Design of Facilities; Specific Standards.* In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section 82-5(g) of this Article, the following provisions shall apply:

a. *Residential Construction*

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 2 feet above the base flood elevation.

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 lower than 2 feet above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the base flood elevation 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.

c. Elevated Buildings

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). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. in the Coastal High Hazard District, follow the standards for elevation outlined in Article 4, Section 4.9.
4. include, in Zones A, AO, AE, and A1-30, 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

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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.

Sec. 82.8. Exceptions.

(a) *Right of appeal or exception.* Whenever any person is aggrieved by a decision of the agent with respect to the provisions of this article, it shall be the right of that person to appeal to the planning commission and the board of supervisors for an exception. The planning commission shall hear the appeal and recommend action to the board of supervisors, and the board of supervisors shall hear and finally decide such appeal.

(b) *Procedure for exceptions.*

(1) *Applicant to file appeal.* Such appeal shall be filed, in writing, within 30 days after the determination by the agent.

(2) *Joint hearing may be held.* If all parties to the appeal assent, a joint meeting with both the planning commission and the board of supervisors may be held to hear the appeal. If one or more parties fail to give such assent, or if the board of supervisors and/or planning commission fail to agree upon a joint hearing, the separate hearing procedure outlined in subsection (b)(3) of this section shall be observed. If a joint meeting is held, the following procedure shall be observed:

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a. *Joint hearing procedure.* The board of supervisors shall set a time and place for the purpose of hearing the appeal jointly with the planning commission. Such joint hearing shall be not less than ten nor more than 65 days from the date of the agent's receipt of the appeal. Notice of the time and place of the hearing shall be given to all parties. Such hearing shall be public, and the appellant, the appellant's representative, the agent, and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

b. *Joint hearing decisions.* Following the close of the joint hearing, the planning commission shall vote to recommend that the board of supervisors approve, approve with specified conditions, or disapprove the exception, as it judges proper according to the criteria outlined in subsection (c) of this section. Such recommendation may be written or oral. Upon receipt of such recommendation, the board of supervisors shall vote to approve, approve with conditions, or disapprove the exception as it judges proper according to the criteria outlined in subsection (c) of this section. Such decision by the board of supervisors shall be written, as provided in this section. Copies of such decision shall be provided to the agent and to the appellant, and to other interested parties to the appeal.

c. *Timing of joint hearing decisions.* The planning commission's recommendation and the board of supervisors' decision shall both be rendered during the same meeting at which the hearing is held, unless either body votes to delay a decision. If either body so votes, not more than 65 days shall elapse before decisions shall be rendered by both the planning commission and the board of supervisors. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

(3) *Separate hearings may be held.* If the above conditions for a joint hearing are not met, the following procedure for separate hearings shall be observed:

a. *Planning commission to hear appeal.* Upon receipt of the appeal, the planning commission shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten nor more than 35 days from the date of the agent's receipt of the appeal. Notice of the time and place of the hearing shall be given to all parties. Such hearing shall be public, and the appellant, the appellant's representative, the agent, and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

b. *Recommendation of planning commission.* The planning commission shall hear the appeal and shall vote to recommend that the board of supervisors approve, approve with specified conditions, or disapprove the exception, as it judges proper according to the criteria outlined in subsection (c) of this section. The planning commission shall render such recommendation, in writing, within 45 days following the hearing. Copies of such recommendation shall be provided to the agent and to the appellant, and to other interested parties to the appeal.

c. *Board to hear appeal.* Upon receipt of the planning commission's recommendation, the board of supervisors shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten nor more than 35 days from the date of receipt of the recommendation. Notice of the time and place of the hearing shall be given to all parties. Such hearing shall be public, and the appellant, the appellant's representative, the agent, and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.

d. *Decision of board of supervisors.* The board of supervisors shall hear the appeal and shall vote to approve, approve with conditions, or disapprove the exception as it judges proper according to the criteria outlined in subsection (c) of this section. The board shall render such decision, in writing as provided in this section, within 45 days following the hearing. Copies of such decision shall be provided to the agent and to the appellant, and to other interested parties to the appeal. The determination of the board of supervisors shall be final.

(c) *Criteria for decisions on exceptions.* In passing upon appeals for exceptions under this article, the planning commission and the board of supervisors shall consider all relevant factors and procedures specified elsewhere in this article. In addition, the planning commission and the board of supervisors shall consider the following factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination or unsanitary conditions;

(4) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on individual owners;

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- (5) The importance of the services provided by such facility to the community;
- (6) The requirements of the facility for a waterfront location;
- (7) The availability of alternative locations not subject to flooding for the proposed use;
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (9) The relationship of the proposed use to the county comprehensive plan, and to the floodplain management program for the area, if any;
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood;
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
- (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure;
- (13) The showing of good and sufficient cause for the exception;
- (14) Any such other factors which are relevant to the purposes of this article.

(d) *Board may consult expert opinion.* The planning commission and/or the board of supervisors may refer any application and accompanying documentation pertaining to an appeal for exception under this section to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project's impacts on flood heights and velocities, the adequacy of plans for protection, and other related matters.

(e) *Findings by the board of supervisors.* Exceptions under this section shall be issued only upon a finding of the board of supervisors that the approval of such exception will not result in:

- (1) Unacceptable or prohibited increase in flood heights;

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- (2) Additional threats to public safety;
- (3) Extraordinary public expense;
- (4) The creation of nuisances;
- (5) Fraud or victimization of the public;
- (6) Conflict with local ordinances.

In addition, the board of supervisors shall approve only such exception as will be the minimum required to provide relief from hardship to the applicant.

(f) *Restrictions on floodway exceptions.* No exception shall be approved for any proposed use, development or activity within any floodway district, except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities, as required in subsection (e) of this section. Under no circumstances shall an exception be approved for any floodway district which will cause any increase in the one hundred (100) year flood elevation

(g) *Applicant to be notified.* The board of supervisors shall notify the applicant for an exception, in writing, that the issuance of such exception to construct a structure below the 100-year flood elevation increases risks to life and property and will result in increased premium rates for flood insurance. A record of such notification, as well as all actions taken on exceptions by the board of supervisors, including reasons for such actions, shall be maintained by the county. Any exceptions issued shall be noted in the annual or biennial report submitted to the federal insurance administrator.

Sec. 82-9. Existing structures and uses.

A structure or use of a structure or premises which lawfully existed on or before the effective date of the ordinance from which this article is derived, but which is not in conformity with the provisions of this article, may be continued subject to the following conditions:

- (1) 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;

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(2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use located in any floodplain district, to an extent or amount less than 50 percent of its market value, shall be elevated and/or floodproofed in conformity with this chapter and the applicable provisions of the Virginia Uniform Statewide Building Code;

(3) 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 article and shall require the entire structure to conform to the applicable provisions of the Virginia Uniform Statewide Building Code;

(4) Uses or adjuncts to uses which are, or become, nuisances shall not continue.

Sec. 82-10. Fees.

(a) The fee for issuance of the floodplain permit under the provisions of this article is as set forth in the fee schedule in appendix A to this Code:

(b) The board of supervisors at its discretion may waive the fee set forth in the fee schedule in appendix ___ to this Code for the issuance of permits for nonresidential agricultural outbuildings.

THEREFORE, IT IS HEREBY ORDAINED, that the Ordinance entitled *Flood Plain Ordinance in the County of Carroll, Virginia*, adopted _____, is hereby amended as set forth herein.

All other provisions of said Ordinance not in conflict herewith shall remain in full force and effect. This amendment shall become effective immediately upon adoption.

Adopted by the following recorded vote this ____ day of _____, 2008:

	Aye	Nay
W.S. Dickson	_____	_____
David V. Hutchins	_____	_____
Wesley Hurst	_____	_____
Andrew Jackson	_____	_____
Tom Littrell	_____	_____
Manus McMillan	_____	_____

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ATTEST _____
Gary Larrowe
County Administrator

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

PUBLIC HEARING – PSA EXCLUSIVE AREA & MANDATORY CONNECTION

Mr. Cornwell told the purpose of the hearing. He told that the PSA would make sure that all systems are constructed according to the PSA and Health Department Regulations and that the PSA may require mandatory connection for any new system from this day forward, but it would not affect current systems.

Mr. Dickson opened the hearing at 5:37 p.m.

Carroll Hill told that he appreciates the work of the PSA and understands the need for water and sewer growth and asked if someone would have to hook on to the system.

Mr. Cornwell told that for new systems they would if the PSA adopts the ordinance. He then read the letter from the Town of Hillsville and told that he had discussed this with the Town Attorney, Mr. Glass and told him that the PSA would honor commitments but doing this would give one voice.

Guy Clark told that he moved here because he could get nice clean water from a spring. He told that in Virginia Beach they require everyone to hook up. He told that if this goes through that the PSA will require people to hook up due to financial reasons. He told that he does not have a problem if people want to hook up, but what are citizens going to do if the water system goes dry. He warned the Board to be careful.

With no one else to speak, the public hearing was closed at 5:44 p.m.

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PUBLIC HEARING – UNAUTHORIZED TAMPERING – PUBLIC WATER AND SEWER FACILITIES

Mr. Cornwell told the purpose of the hearing and told that this Ordinance would like to make it a crime for anyone to engage in unauthorized tampering, use, or connection to public water and sewer facilities.

Mr. Dickson opened the public hearing at 5:45 p.m.

With no one to speak the public hearing was closed at 5:47 p.m.

(Order)

ADOPTION OF UNAUTHORIZED TAMPERING ORDINANCE

Upon motion by Mr. Hurst, seconded by Mr. Hutchins, and passed unanimously, the Board adopted the following resolution:

AN ORDINANCE PROHIBITING UNAUTHORIZED TAMPERING, USE, OR CONNECTIONS TO PUBLIC WATER AND SEWER FACILITIES

WHEREAS, the Carroll County Board of Supervisors (the “Board”) has previously created the Carroll County Public Service Authority (the “PSA”) pursuant to the provisions of the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) to provide water and sewer service within the County of Carroll and to promote the health, safety and welfare of the citizens of Carroll County; and,

WHEREAS, the Board is becoming increasingly concerned about the availability of potable water to the citizens of Carroll County and the protection of groundwater in Carroll County and the Board has contributed funds to the PSA for construction and improvement of PSA facilities and worked with other adjacent localities on regional water and waste water projects; and,

WHEREAS, the Board is aware of the need to protect public health by ensuring the safety of the potable water supply, as well as the significant investment that such public water facilities represent, and hereby **FINDS** that healthful, safe and reliable potable water supply and facilities are of the utmost importance to residents of Carroll County; that unauthorized connections with, and use of the public water and sewer systems represents a threat to public

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health, risks damage to public water and waste treatment facilities, and threatens the financial sustainability of the public water and sewer system.

NOW, THEREFORE, in and for the above, and it order to protect the life, health, safety and welfare of the citizens of Carroll County and to protect the environment of the County, **BE IT ORDAINED** by the Board of Supervisors of Carroll County that the following Ordinance is hereby adopted and made a part of the Carroll County Code as follows:

Permit for connections, openings, etc.

(a) It shall be unlawful for any unauthorized person to uncover, make any connections with or opening into, use, alter or disturb any public water line or sewer line or appurtenance thereof without first obtaining a written permit from the PSA. It shall be unlawful for any unauthorized person to disconnect a water pipe, move or disturb a water meter or turn on the water on any service. It shall be unlawful for any unauthorized person to draw water from any service, fire hydrant, blow off, main, valve or any other facility of the county PSA water system without first arranging with the Director of the PSA for the same and paying all applicable charges pertaining thereto. This section shall not apply to the use of water for the legitimate purpose of extinguishing fires.

(b) Except for connection made when the public water or sewer line is originally installed and made available, water and sewer service line permits shall be required before making a connection to a public water or sewer line. The owner or his agent shall make application on a special form furnished by the PSA. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the PSA. A permit and inspection fee for water and sewer service line permits, as determined by the PSA, shall be paid to the PSA at the time the application is filed. It shall be unlawful for any person to extend any pipe or use any device or attachment to supply water to any premises other than that described in the application for water and/or sewer service.

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(c) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

This Ordinance shall be effective immediately.

Adopted this the ____ day of _____, 2008.

Attest:

Clerk, Carroll County Board of Supervisors

VOTES

Mr. Jackson Yes

Mr. Hurst Yes

Mr. Hutchins Yes

Mr. Dickson Yes

Dr. Littrell Yes

Mr. McMillian Yes

PUBLIC HEARING – PSA TO DECLARE LIMITATIONS DURING EMERGENCY

Mr. Cornwell told that the purpose of the hearing was to hear public comment concerning the proposed Ordinance authorizing the director of the Public Service Authority to declare limitations on the use of water during time of emergency due to water shortage caused by drought, pollution or environmental hazard.

Mr. Dickson opened the hearing at 5:49 p.m.

With no one to speak, the hearing was closed at 5:50 p.m.

(Order)

ADOPTION OF ORDINANCE TO DECLARE LIMITATIONS DURING EMERGENCY

Upon motion by Mr. Hutchins, seconded by Mr. Jackson, and passed unanimously, the Board adopted the following ordinance:

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AN ORDINANCE AUTHORIZING THE
DIRECTOR OF THE CARROLL COUNTY PUBLIC
SERVICE AUTHORITY TO DECLARE
LIMITATIONS ON THE USE OF WATER
DURING TIME OF EMERGENCY DUE TO
WATER SHORTAGE CAUSED BY DROUGHT,
POLLUTION OR ENVIRONMENTAL HAZARD

WHEREAS, the Carroll County Board of Supervisors (the “Board”) has previously created the Carroll County Public Service Authority (the “PSA”) pursuant to the provisions of the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) to provide water and sewer service within the County of Carroll and to promote the health, safety and welfare of the citizens of Carroll County; and,

WHEREAS, the Board is becoming increasingly concerned about the availability of potable water to the citizens of Carroll County and the protection of groundwater in Carroll County and the Board has contributed funds to the PSA for construction and improvement of PSA facilities and worked with other adjacent localities on regional water and waste water projects; and,

WHEREAS, the Board is aware that from time to time areas of the County suffer from both chronic and acute shortages of potable water, and recognizes that such shortages of potable water may reach emergency status requiring restrictions on the use of water, and hereby **FINDS** that clean water and clean air is of the utmost importance to residents of Carroll County; that responsible management of these assets requires preservation, regulation, and controlled development; and that care should be taken in order to protect groundwater supplies; and,

WHEREAS, the natural resources of Carroll County are the County’s greatest resources for activities of tourism, hiking, hunting and fishing and that protection of such resources is absolutely necessary for the protection of life, health, safety and welfare of the citizens of Carroll County; and,

WHEREAS, the Board is aware that the PSA, in order to promote and preserve public health and safety, must be invested with the authority to declare emergencies in time of water shortage and restrict or limit the use of water due to drought, pollution, or environmental hazards.

NOW, THEREFORE, in and for the above, and in order to protect the life, health, safety and welfare of the citizens of Carroll County and to protect the environment of the County, **BE IT ORDAINED** by the Board of Supervisors of Carroll County that the following Ordinance is hereby adopted and made a part of the Carroll County Code as follows:

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Limitation on use of water during shortages.

(a) The Director of the PSA is hereby authorized to declare emergencies in any or all areas under the jurisdiction of the PSA during any period in which there is a water shortage or threat to public health due to drought, pollution or other environmentally hazardous condition, as determined by the Director. It shall be unlawful for any person supplied by a public water system within such area to water or sprinkle lawns or gardens, to engage in or to use water for any purpose not reasonably essential to health and used within the home or business between such hours as may be prescribed by the authorized agent of the authority during the period of the emergency.

(b) In declaring an emergency pursuant to this section, the Director of the PSA shall immediately post a written notice of the emergency at the front door of the courthouse and at two prominent places in the affected area in which such emergency is declared and, in addition thereto, he shall run an item in a newspaper of general circulation in the area in which such emergency has been declared.

*(c) Violations, penalty.
Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.*

This Ordinance is effective immediately upon adoption.

Adopted this the ____ day of _____, 2008.

Attest:

Clerk, Carroll County Board of Supervisors

VOTES

Mr. Jackson Yes

Mr. Hurst Yes

Mr. Hutchins Yes

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Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

PUBLIC HEARING – PROHIBIT DISCHARGE OR DUMPING OF SEWAGE

Mr. Cornwell told the purpose of the hearing was to hear public comment concerning the proposed Ordinance prohibiting the unauthorized discharge or dumping of sewage.

Mr. Dickson opened the hearing at 5:52 p.m.

With no one to speak, the hearing was closed at 5:53 p.m.

Mr. McMillian asked if the homeowner owns a motor home or a camper and they have cleanout for sewer does this ordinance allow dumping into the line from these.

Mr. Cornwell told that they would need a permit from the PSA.

Mr. Hutchins told that it protects natural resources.

(Order)

ADOPTION OF ORDINANCE PROHIBITING UNAUTHORIZED DISCHARGE OR DUMPING OF SEWAGE

Upon motion by Mr. Jackson, seconded by Mr. Hurst, and passed unanimously, the Board adopted the following resolution:

AN ORDINANCE PROHIBITING UNAUTHORIZED DISCHARGE OR DUMPING OF SEWAGE

WHEREAS, the Carroll County Board of Supervisors is aware of the need to protect public health by ensuring the proper disposal of sewage and other wastes, as well as the need to protect the safety of the potable water supply and the protection of groundwater in Carroll County, and hereby **FINDS** that proper disposal of sewage and other pollutants is of the utmost importance to residents of Carroll County; that unauthorized connections to the public sewer system risks damage to public water, sewer, and waste treatment facilities, and threatens the financial sustainability of the public water and sewer system; that improper disposal of sewage and other wastes represents a threat to public health, risks contamination of the public water supply and pollution of valuable natural resources; and,

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WHEREAS, the natural resources of Carroll County are the County's greatest resources for activities of tourism, hiking, hunting and fishing and that protection of such resources is absolutely necessary for the protection of life, health, safety and welfare of the citizens of Carroll County; and,

NOW, THEREFORE, in and for the above, and in order to protect the life, health, safety and welfare of the citizens of Carroll County and to protect the environment of the County, **BE IT ORDAINED** by the Board of Supervisors of Carroll County that the following Ordinance is hereby adopted and made a part of the Carroll County Code as follows:

(a) Unlawful disposal of sewage generally.

It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property any human excrement, garbage or other objectionable waste.

(b) Discharge of sewage to natural outlet.

It shall be unlawful for any person to discharge to any natural outlet any sewage or other polluted waters. For purposes of this section, the term 'natural outlet' shall include any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(c) Unlawful discharge into public sewer.

It shall be unlawful for any unauthorized person to discharge into any public sewer the contents of any septic tank, privy vault or similar storage vessel, without an appropriate permit issued by the Director of the PSA authorizing such discharge.

(d) Violations, penalty.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

This Ordinance shall be effective immediately.

Adopted this the ____ day of _____, 2008.

Attest:

Clerk, Carroll County Board of Supervisors

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

PUBLIC HEARING – CENTRAL WATER SYSTEM

Mr. Cornwell told the purpose of the meeting and told that the central water system is for 15 or more lots and the PSA could enter an agreement to operate the system. He told that the reserve septic area, if there were septic, would require a 100% reserve for a second drain field and that this shifts some burden to the developer. He told that the 15 lots came from the Health Department regulations.

Mr. Dickson opened the public hearing at 5:58 p.m.

Mr. Tim Tolbert told that he represents a number of developers and realtors. He told that there are good issues, but he didn't think based on advertising and the time of the year those interested have not had time to digest the information. He told that this is a 180 turn from what the County has done and all issues should be handled together. He told that there are issues in the subdivision ordinance and it will have a 1 acre requirement so there may not be the need for a 100% reserve ordinance. He asked the Board to table this and consider it as part of the subdivision ordinance.

Mr. Ron Doerschug told that he is the Vice President of Skyland Lakes Home Owners and asked if they are a subdivision. He told that there are several lots still to develop.

Mr. Dickson told that they would be grandfathered in.

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Mr. Brian Sutphin told that he agrees with Mr. Tolbert and there are 2 parts of the ordinance dealing with development and it should be in the subdivision ordinance. He told that the State already has rules on reserve area.

Mr. Doug Phillips told that the size of the lots needs to be clarified. He told that if it is a long lot it would not be feasible for water lines and would be better to have a well. He told that if it was a large lot it would be hard to determine where the neighbor would place their house.

Mr. Paul Burnette with Riley Realty told that he has owned a business of installing septic systems. He told that there have been improvements and 100% reserve is doubling what is required now. He told that the County has good soil for septic systems and asked the Board to take precaution.

Mr. McMillian told that the majority of people can't afford to have a chamber system.

Mr. Burnette told that he has had 2 put in and it was the same price as a conventional system. He asked what the standard was now for a central water system.

Mr. Cornwell told that the County does not have anything.

Mr. Burnette told that it needs to be in the subdivision ordinance.

With no one else to speak, the hearing was closed at 6:12 p.m.

(Order)

TABLE ORDINANCE

Upon motion by Mr. Hutchins, seconded by Mr. McMillian, and passed, the Board approved to Table the ordinance on the central water system.

VOTES

Mr. Jackson Yes
Mr. Hurst No
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

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PUBLIC HEARING – CROSS CONNECTION

Mr. Cornwell told that purpose of the hearing. He told that this only applies to people connected to the PSA system.

Mr. Dickson opened the hearing at 6:16 p.m.

With no one to speak, the hearing was closed at 6:17 p.m.

(Order)

ADOPTION OF CROSS CONNECTION ORDINANCE

Upon motion by Mr. Hutchins, seconded by Mr. Jackson and passing unanimously, the Board adopted the following ordinance:

AN ORDINANCE REPEALING CHAPTER 122
OF THE CODE OF CARROLL COUNTY VIRGINIA
AND ADOPTING A NEW CHAPTER 122 FOR THE
CONTROL AND PREVENTION OF CROSS-CONNECTIONS
WITH, AND BACKFLOW INTO THE PUBLIC
WATER SUPPLY

WHEREAS, the Carroll County Board of Supervisors (the “Board”) has previously created the Carroll County Public Service Authority (the “PSA”) pursuant to the provisions of the Virginia Water and Waste Authorities Act (§ 15.2-5100 et seq.) to provide water and sewer service within the County of Carroll and to promote the health, safety and welfare of the citizens of Carroll County; and,

WHEREAS, the Board is becoming increasingly concerned about the availability of potable water to the citizens of Carroll County and the protection of groundwater in Carroll County and the Board has contributed funds to the PSA for construction and improvement of PSA facilities and worked with other adjacent localities on regional water and waste water projects; and,

WHEREAS, the Board is aware that backflow of contaminated waters and other substances through cross-connections with the PSA water supply is a threat to public health and safety, and hereby **FINDS** that clean water and clean air is of the utmost importance to residents of Carroll County; that responsible management of these assets requires preservation, regulation, prevention and control of backflow and cross-connections; and,

WHEREAS, the Commonwealth of Virginia, through the State Department of Health has promulgated regulations concerning waterworks

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which require each purveyor of water intended for human consumption to adopt a program for the prevention and control of cross-connections and backflow.

NOW, THEREFORE, in and for the above, and in order to protect the life, health, safety and welfare of the citizens of Carroll County and to protect the environment of the County, **BE IT ORDAINED** by the Board of Supervisors of Carroll County that Chapter 122 of the Code of Carroll County is hereby repealed in its entirety and re-adopted and made a part of the Carroll County Code as follows:

CROSS CONNECTION CONTROL; BACKFLOW PREVENTION

122-1 Purpose and authority of division.

It is the purpose and intent of this division to ensure that all water supplies under the control of the County and/or the Carroll County Public Service Authority destined for public consumption be pure and not constitute a danger to the public health or safety. This division is designed to satisfy the requirements of the commonwealth's waterworks regulations promulgated by the state department of health.

122-2 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

Auxiliary water system means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

Backflow means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases or nonpotable waters into any part of a waterworks.

Backflow prevention device means any approved device, method or type of construction intended to prevent backflow into a waterworks.

Bureau means the bureau of sanitary engineering of the state department of health.

Consumer means the owner or person in control of any premises supplied by or in any manner connected to a waterworks.

Consumer's water system means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

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Contamination means any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals or gases.

Cross connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard means conditions derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

Director means the director of the Public Service Authority (PSA)

Double-gate double check valve assembly means an approved assembly composed of two single, independently acting check valves including tightly closed shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

Existing ground level means the level above which surface water will not accumulate under normal conditions.

Flood-level rim means the top edge of the receptacle over which water could overflow.

Health hazard means any condition, device or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Owner means the person having legal title to the property or the person in charge, care and control of the property where the facilities in question are located; also, the tenants of such property.

Pollution means the presence of any foreign substance (chemical, physical, radiological or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which would constitute a health, pollution or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated waters.
- (2) Process waters.
- (3) Used waters originating from the waterworks which may have deteriorated in sanitary quality.
- (4) Cooling waters.
- (5) Contaminated natural waters taken from wells, lakes, streams or irrigation systems.
- (6) Chemicals in solution of suspension.
- (7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

Pure water or potable water means water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

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Reduced pressure principle backflow prevention device means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

Service connection means the terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

Service line means that portion of the water line from the consumer's side of the water meter to the first water outlet.

System hazard means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Toxin means any substance of solids or liquids harmful for human consumption.

Used water means any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.

Vacuum breaker, atmospheric means a vacuum breaker designed so as not to be subjected to continuous static line pressure.

Vacuum breaker, pressure type means a vacuum breaker designed to operate under conditions of static line pressure.

Water purveyor means an individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county or authority which supplies water to any person within this state from or by means of any waterworks.

Waterworks means all structures, equipment and appurtenances used in the storage, collection, purification, treatment of and distribution of pure water except for the piping and fixtures inside the building where such water is delivered, as set forth in Code of Virginia, § 32.1-167.

122-3 Inspections generally; notice to correct defects.

The Public Service Authority is hereby authorized to adopt a cross-connection control program in accordance with this ordinance and the Waterworks Regulations of the Virginia Department of Health. The director of the Public Service Authority or his designated agent shall, in accordance with the Public Service Authority's duly adopted cross connection control program, inspect the plumbing in every building or premises served by the Public Service Authority waterworks system as frequently as may be necessary to ensure that such plumbing has been installed and is maintained in a manner as to prevent

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the possibility of pollution or contamination of the public water supply. The director shall notify, or cause to be notified in writing, the owner, occupant or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the director, any plumbing installed or existing contrary to or in violation of this division and which may create the risk of pollution to the county water supply or otherwise adversely affect the public health.

122-4 Inspection to be at reasonable hour; warrant to enable inspection; termination of service to uninspected premises.

(a) The director or his designated agent shall inspect all premises or buildings during reasonable hours and under such circumstances as to minimize the inconvenience to the owner or occupants of the premises or their agents. Should any owner, occupant or agent refuse to allow the director access to the premises for the purposes of conducting an inspection, or should the director not be able to contact the owner, occupant or agent for the purposes of obtaining permission to inspect, the director shall have the right to apply immediately to a magistrate or other judicial officer for a proper warrant to carry out the necessary inspection. The provisions of this section shall apply to all initial inspections and to such follow-up inspections as may be necessary.

(b) In addition to the warrant procedure set forth in subsection (a) of this section, the director may commence administrative proceedings to discontinue water service to the uninspected premises. Except in emergency cases involving the imminent risk of pollution of the county water supply, the director shall give ten days' written notice to the owner or occupant of the affected premises, or to a responsible agent, of the director's intention to terminate the water service. The director shall afford to the owner, occupant or agent a hearing on the question of whether water service shall be terminated. This hearing shall be scheduled and conducted in such a manner that, to the maximum extent feasible, the inconvenience and burden on the owner, occupant or agent shall be minimized. The hearing shall take place before the director or a designated principal assistant. The director shall not terminate the water service to the premises in question, if it is found as a fact that:

(1) The owner, occupant or agent has presented clear, convincing and credible evidence that there are no cross connection hazards within the subject premises; and

(2) No purpose of this division would be served by conducting an on-site inspection of the premises.

In all cases, the hearing provided by this subsection shall be scheduled within the ten-day period immediately following the giving of written notice to the owner, occupant or agent. Upon a showing of good cause, the director may grant a reasonable continuance of the hearing so scheduled, but the director, nevertheless, shall retain the right to terminate the water service at the expiration of the ten-day notice period if, in his discretion, public health

considerations require such action. The director shall, in all cases, render his decision immediately after the taking of all evidence at the hearing, or as soon thereafter as may be practicable, but in no case later than 24 hours following the termination of the taking of evidence. The director shall cause his findings of fact and disposition of the case to be reduced to writing, and shall preserve the same for a period of one year.

(c) In emergency circumstances where the director has reasonable cause to believe that a cross connection hazard exists in the subject premises and that such hazard jeopardizes the integrity or the purity of the county water supply, he shall forthwith terminate the water service to the subject premises. The director shall thereafter immediately afford the owner, occupant or agent the notice and opportunity to be heard pursuant to the procedures set forth in subsection (b) of this section. In all cases where the director shall summarily terminate water service, as provided under this subsection, the director shall act with dispatch in notifying the owner, occupant or agent, and shall exercise the utmost diligence in scheduling a prompt hearing on the matter.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, the director shall not terminate any water service in cases where the director has reliable information from any sources indicating that cross connection hazards do not exist on the premises to which access for inspection cannot be gained.

122-5 Required hazard and backflow prevention devices generally.

(a) The cross connection hazard and backflow prevention devices required shall be as set forth in the chart following subsection (b) of this section.

(b) When investigation discloses that unusual or extraordinary hazards require more stringent means of protection, the director shall have the authority to require the installation of the same. The director shall in all cases specify the facts constituting the greater hazard found to require more stringent protective measures. The more stringent protective measures shall be related to such unusual or extraordinary hazards and shall be no more burdensome than is reasonably necessary to alleviate or guard against such hazards. The director shall specify in writing to the owner the manner in which the more stringent protective measures alleviate or guard against the unusual or extraordinary hazards.

Cross Connections, Hazards and Recommended Minimum Types of Prevention Devices

TABLE INSET:

			Degree of Hazard			Required Minimum Device				
			Severe	Moderate	Minor	For Backflow		For Backsiphonage		
Type of Connection						Air Gap 1	Reduced Pressure Device 2	Double Check Valve Assembly	Pressure Vacuum Breaker	Atmosphere Vacuum Breaker

I.	Direct water connection subject to back pressure from:									
	A.	Pumps, tanks and lines handling:								
		1.	Toxic substance*	X			X			
		2.	Nontoxic substance**		X			X	X	
	B.	Water connection to steam and steam boilers								
		1.	Boiler or steam connection to toxic substances*	X			X			
		2.	Boiler or steam connection to nontoxic substances (boiler blowoff through approved gap)**		X		X	X	X	
II.	Inlet water connection not subject to backpressure:									
	A.	Sewer connected line waste		X			X			
	B.	Inlets to receptacles containing toxic substances*		X			X	X		X
	C.	Inlets to receptacles containing nontoxic substances**			X		X	X	X	X
	D.	Inlets into domestic water tanks				X	Each case should be treated separately			
	E.	Coils or jackets used at heat exchanges in compressors, degreasers, etc.								
		1.	In sewer lines	X			X	X		
		2.	In lines carrying toxic substances*	X			X	X		
		3.	In lines carrying nontoxic substances**		X		Each case should be treated separately			
	F.	Flush valve toilets		X			X	X		X
	G.	Toilet and urinal			X		X			X

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		tanks								
H.		Trough urinals		X		X				X
I.		Valved outlets or fixtures with hose attachments that may constitute a cross connection to:								
	1.	Toxic substances*	X			X	X		X	X
	2.	Nontoxic substances**		X		X	X	X	X	X
J.		Recirculating water in cooling towers	X	X	X	X				
K.		Makeup tanks for sewage and process water	X			X				
III.		Containment								
A.		Hospitals	X			X	X			
B.		Mortuaries	X			Each case should be treated separately				
C.		Clinics	X			X	X			
D.		Nursing homes	X			X	X			
E.		Laboratories	X			X	X			
F.		Piers, docks, waterfront facilities	X			X	X			
G.		Sewage pumping stations with water-cooled pumps	X			X	X			
H.		Sewage pumping stations, hose bibs, stormwater pumping station	X	X	X	Each case should be treated separately				
I.		Food and beverage processing plants:								
	1.	Subject to backpressure	X	X	X	X	X			
	2.	Not subject to backpressure	X	X	X	X	X	X		
J.		Chemical plants, dyeing plants								
	1.	Toxic*	X			X				
	2.	Nontoxic**		X	X		X	X		
K.		Metal plating industries	X			X				
L.		Petroleum processing or storage plants	X			X				
M.		Radioactive materials processing plants or	X			X				

		nuclear reactors							
N.		Car washes		X		X	X		
O.		Lawn sprinkler systems irrigation systems	X	X	X	X	X		X
P.		Fire service	See section 6.04.07 of the Commonwealth of Virginia Waterworks Regulations						
Q.		Slaughterhouse and poultry processing	X	X		X	X		
R.		Farms	X	X	X	Each case should be treated separately			
S.		Auxiliary sources (nonapproved)	X	X	X	Each case should be treated separately			

1 For backflow or backsiphonage.

2 This device must be in an aboveground location and provisions made to prevent freezing.

* Health hazard. Hazard which presents danger to health and well-being of water consumer.

** Pollution hazard. Hazard from aesthetically objectionable or degrading material.

122-6 General prohibition against cross connections.

Cross connection between approved potable community or noncommunity water systems with other unapproved systems or equipment containing water or other substances of unknown or questionable safety are prohibited, except when and where, as approved by the director, protective devices such as the reduced pressure zone backflow preventer or its equivalent are installed, maintained and tested to ensure proper operation on a continuing basis. The Director of the PSA may deny or discontinue the water service to a consumer if the required backflow-prevention device is not installed. If it is found that the device(s) has been removed or bypassed or if a crossconnection exists on the premises, or if the pressure in the waterworks is lowered below ten(10) pounds per square inch gauge, the Director shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with the Commonwealth of Virginia Waterworks Regulations and to the satisfaction of the Director.

122-7 Standards for backflow prevention devices.

(a) Devices for the prevention of backflow shall be tested and certified to meet the standards of the agencies listed as follows:

- (1) American Society of Sanitary Engineers.
- (2) American Water Works Association.
- (3) American National Standards Institute.
- (4) University of Southern California Foundation for Cross-Connection Control.
- (5) Department of Health, Education and Welfare list of accepted equipment for interstate carriers.

(b) In addition, all backflow prevention devices shall be approved by the state department of health. A list of approved devices shall be kept on file in the office of the director of public works.

122-8 Submission of plans prior to construction of certain facilities.

Certified plans for the following types of facilities shall be submitted in duplicate to the director prior to construction:

- (1) Hospitals, mortuaries, clinics, nursing homes.*
- (2) Laboratories.*
- (3) Piers, docks, waterfront facilities.*
- (4) Sewage treatment plants, sewage pumping stations or stormwater pumping stations.*
- (5) Food and beverage processing plants.*
- (6) Chemical plants and dyeing plants.*
- (7) Metal plating industries.*
- (8) Petroleum processing or storage plants.*
- (9) Radioactive materials processing plants or nuclear reactors.*
- (10) Car washes.*
- (11) Lawn sprinkler systems and irrigation systems.*
- (12) Fire service systems.*
- (13) Farms, where the water is used for other than household purposes.*
- (14) Others specified by the director, when reasonable cause can be shown for a potential backflow or cross connection hazard.*

122-9 Location and installation requirements for protective devices.

(a) Backflow prevention devices shall be accessibly located, preferably in the same room with the fixture they serve. In all cases, installation shall be in accordance with the manufacturer's recommendations.

(b) Atmospheric vacuum breakers shall be installed with the critical level at least six inches above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture.

(c) Pressure vacuum breakers shall be installed with the critical level at least 12 inches above the flood-level rim of the fixture they serve.

(d) Reduced pressure principle backflow preventers and double check valve assemblies shall be installed a minimum of 12 inches above existing ground level in an easily accessible location for testing and maintenance.

122-10 General procedure for maintenance of program.

In order to maintain a program of cross connection and backflow prevention control consistent with this division, the director of public works shall perform the following acts:

- (1) Initially, a checklist specifying potential hazards shall be sent to each resident served by the county water systems for their review and completion. The completed form shall be returned to the director of public works' office.*

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(2) *The director of public works shall review the completed form and require the installation of proper backflow prevention devices where needed in accordance with this division or with regulations of the state department of health.*

(3) *Subsections (1) and (2) of this section shall be repeated for each new water customer and shall be repeated for existing water customers at least once every three years.*

122-11 Responsibility of owner as to inspection, repair and overhaul of protective devices.

(a) *The owner of any premises where backflow protective devices are installed shall perform inspection and testing of such devices at least once yearly, beginning one year after installation. Testing shall be performed by a qualified individual. If the director concludes that more frequent inspections or tests are required, the director shall notify the owner of the premises in writing of such finding and shall further specify the basis for such conclusions. The director shall also promulgate a schedule for more frequent inspections.*

(b) *Backflow prevention devices shall be repaired, overhauled or replaced as necessary at the expense of the water user. Records of such test, repair and overhaul shall be forwarded to the director.*

122-12 Notice of violation of division; failure to correct violation.

(a) *The director of the PSA shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this division, apprising such person of the facts of such violation. The director shall set a reasonable time for the owner to have such violation removed or corrected. Upon failure of the owner to have the violation corrected by the end of the specified time interval, the director may, if in the director's judgment a health hazard exists, cause the water service to the building or premises to be terminated.*

(b) *Any owner or authorized agent of the owner responsible for the maintenance of the plumbing system or backflow prevention devices in a building, who knowingly permits a violation of this division to remain uncorrected after the expiration of the time set by the director shall be guilty of a class 4 misdemeanor.*

122-13 Records.

All cross connection control program records are to be kept and maintained by the director of public works for a period of ten years after their effective date.

This Ordinance shall be effective immediately.

Adopted this the ____ day of _____, 2008.

July 14, 2008

Attest:

Clerk, Carroll County Board of Supervisors

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

BOARD APPOINTMENTS

BUDGET COMMITTEE

It was the consensus of the Board for Mr. Dickson and Dr. Littrell to serve on the Budget Committee.

(Order)

PRISON STUDY COMMITTEE

Upon motion by Mr. Hutchins, seconded by Dr. Littrell, and passed unanimously, the Board appointed John Gardner, Jean Crist and Billy Johnson to the Prison Study Committee.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

Upon motion by Mr. McMillian, seconded by Dr. Littrell and passed unanimously, the Board appointed Mr. Jackson and Mr. Hutchins to the Prison Study Committee.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes

July 14, 2008

Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

(Order)

CAPITAL IMPROVEMENT PLAN COMMITTEE

Upon motion by Mr. McMillian, seconded by Mr. Hutchins and passing unanimously, the Board appointed Mr. Hurst to the Capital Improvement Plan Committee.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

ADMINISTRATOR'S TIME

Mr. Larowe told that Mr. Jim Whitten had accepted the position for Building Official and will come on board August 1st. He told that Mr. Bernie Deck will start July 15th as the Business Development Specialist. He told that the Erosion & Sediment Control office had been moved from the Farmers Market to the Complex and as had the IT Director moved to the Complex. He told that the County is advertising for the Assistant Farmers Market position. He told that the personnel policy is in draft form and it will be provided for the next meeting. He told of several upcoming meetings and trainings.

(Order)

COMMON LANGUAGE PROTOCOL RESOLUTION

Upon motion by Dr. Littrell, seconded by Mr. Jackson and passing unanimously, the Board adopted the following resolution:

**CARROLL COUNTY RESOLUTION
FOR THE ADOPTION OF
COMMON LANGUAGE PROTOCOL**

WHEREAS, the Board of Supervisors of the County of Carroll, Virginia, does hereby find as follows:

July 14, 2008

WHEREAS, the Governor of Virginia and the Office of Commonwealth Preparedness State interoperability Executive Committee has recommended this change to common language;

WHEREAS, the State Interoperability Executive Committee and Commonwealth Interoperability Coordinator's Office determined a common language protocol that allows the use of plain English for most radio transmissions; The initiative has been endorsed by the Virginia Association of Chiefs of Police, Virginia Sheriffs Association, Virginia Fire Chiefs Association and the Virginia State Police;

WHEREAS, the use of coded language can result in confusion and miscommunication, because local, regional and state public safety agencies use different codes; this is a problem especially during mutual aid incidents where multiple jurisdictions and disciplines must work together;

WHERE, the National Incident Management System (NIMS) requires common language for mutual aid situations, Carroll County Virginia recognizes responders will default to their training in high-stress situations;

WHEREAS, the NIMS standardized procedures for communications will improve Carroll County's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline communication processes;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Carroll, Virginia, that the Common Language Protocol is established as the County standard for radio communications this 14th day of July, 2008.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

ANIMAL SHELTER POLICY

Mr. Larowe informed the Board that due to liability, no non-employees will be allowed unsupervised access to the Animal Shelter.

July 14, 2008

(Order)

JOINT MEETING WITH PLANNING COMMISSION

Upon motion by Mr. Jackson, seconded by Mr. McMillian, and passed unanimously, the Board approved to hold a joint meeting with the Planning Commission on August 21, 2008 at 6:00 p.m. with a public hearing for the Subdivision Ordinance to be held at 7:00 p.m.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Yes
Dr. Littrell Yes
Mr. McMillian Yes

(Order)

CLOSED SESSION – PURSUANT TO VIRGINIA CODE SECTION 2.2-3711(A1,A3,A5)

Upon motion by Mr. Hutchins, seconded by Mr. Hurst, and passed unanimously, the Board convened a Closed Session at 7:02 p.m. to 8:15 p.m. for the discussion of personnel, for the discussion of the disposition or acquisition of real property where public discussion would be detrimental to the County's position, and for the discussion of a prospective business or industry where no public announcement has been made concerning the business or industry's desire to locate or expand in the County, as authorized by Virginia Code Section 2.2-3711(A1), (A3), (A5).

(Order)

CERTIFICATION OF CLOSED SESSION

Upon motion by Mr. Hutchins, seconded by Mr. Hurst, and passed unanimously, the Board adopted the following Resolution:

July 14, 2008

WHEREAS, the Carroll County Board of Supervisors convened a Closed Session this date pursuant to an affirmative recorded vote and on the motion to close the meeting in accordance with the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711(D) of the Code of Virginia requires a certification by the Board of Supervisors that such Closed Session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Carroll County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the Closed Session to which this certification applies, and (II) only such business matters as were identified in the motion by which this Closed Session was convened were heard, discussed, or considered in the meeting to which this certification applies.

SUPERVISOR'S TIME

Dr. Littrell wished his wife a Happy Birthday. He told that he put papers at each desk concerning Board relations that he has been studying at the Supervisors Certification. He told that the Albermarle County website has development 101 which contains information that anyone coming into the area would need to know concerning development. He told that he appreciated the fund balance explanation and asked if the Farmers Market wholesale side is full and how the retail side spaces are allocated.

Mr. Larrowe told that they have one space available in wholesale and if retail is coming for one day, they get 2nd choice spots and full time retailers have spaces allotted.

Mr. McMillian told that he appreciates everyone coming out and appreciates the work that the Board is doing and told that they have only begun the fight.

Mr. Jackson thanked everyone for keeping his daughter and the family in their prayers and told that it is an honor to work with the Board for the betterment of the County. He told that the County will see a lot more things.

Mr. Hurst thanked his wife and daughter for being here and told that he would like to see more young people involved. He thanked Mr. Larrowe for all he is doing and told that he appreciates working with the Board. He told that he is working on a deal with the VA Motorcycle Governor Society Award to be the first Motorcycle Rest Area. He thanked everyone for coming.

July 14, 2008

Mr. Hutchins told that during the public hearings that he was accused last time of not listening. He told that he votes for what he believes is the best for the entire County and he encourages people to come to the public hearings. He told that he thanked the Board for working with the PSA.

Mr. Dickson told that he enjoys what he is doing. He told that he realizes that everyone does not agree with the decisions but the Board does look at all the information before making the decisions.

(Order)

ADJOURNMENT

Upon motion my Dr. Littrell, seconded by Mr. Hutchins, and passed unanimously, the Board adjourned at 8:26 p.m.

W. S. "Sam" Dickson, Chairman

Ronald L. Newman, Assistant Clerk