

## **CHAPTER 11. HEALTH AND SAFETY**

### **ARTICLE I. Hotels, Restaurants, Summer Camps and Campgrounds**

- § 11-1. Exemption of certain fairs and youth athletic activities from Title 35.1.
- § 11-2. Health officer to supervise.

### **ARTICLE II. Sewage Disposal**

- § 11-11. Repealed.
- § 11-12. Sewage Effluent Pump Systems.
- § 11-13. Alternative Onsite Sewage Systems and Alternative Discharge Sewage Treatment Systems

### **ARTICLE III. Display of Address Numbers**

- § 11-21. Definitions.
- § 11-22. Numbers to be displayed on buildings.
- § 11-23. Address number required for certificate of occupancy.
- § 11-24. Primary address numbers.
- § 11-25. Secondary address numbers.
- § 11-26. Assignment of primary address numbers.
- § 11-27. Assignment of secondary address numbers.
- § 11-28. Display of primary address numbers.
- § 11-29. Display of secondary address numbers.
- § 11-30. Enforcement.

### **ARTICLE IV. Requirements to Carry Concealed Weapon**

- § 11-41. Fingerprinting. Repealed 7/12/12.

### **ARTICLE V. Panhandling**

## **CHAPTER 11. HEALTH AND SAFETY**

### **ARTICLE I. Hotels, Restaurants, Summer Camps and Campgrounds**

#### **§ 11-1. Exemption of certain fairs and youth athletic activities from Title 35.1.**

Title 35.1 of the Code of Virginia (1950), as amended, regulating hotels, restaurants, summer camps and campgrounds, shall not apply to:

A. Food booths at fairs, if such booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof.

B. Concession stands at youth athletic activities, if such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized as being part of the recreational program of the county by an ordinance or resolution of the board of supervisors.

State law reference--Virginia Code § 35.1-26.

Cross reference--Augusta County Code § 2-18(D).

#### **§ 11-2. Health officer to supervise.**

The health officer of the county, or a qualified person designated by him, shall exercise such supervision of the sale of food exempted under § 11-1, above, as he may deem necessary to protect the public health, safety and welfare.

#### **§ 11-3 through § 11-10. Reserved.**

### **ARTICLE II. Sewage Disposal.**

#### **§ 11-11. Repealed. (Ord. 2/23/00)**

#### **§ 11-12. Sewage Effluent Pump Systems.**

When the sewage disposal system for any one-family or two-family dwelling is designed such that no part of the sewage therefrom drains or will drain solely by gravity to the public sewer system to which such dwelling's sewage disposal system is or will be connected, the design, installation, operation and maintenance of any sewage effluent pump system intended to serve such dwelling shall be subject to the following regulations:

A. The installation of such sewage effluent pump system shall be prohibited unless the owner of such dwelling first obtains from the building inspection department of Augusta

County a permit authorizing said installation and establishing the conditions of operation and maintenance of said system; and the operation of any such system installed pursuant to such permit shall be prohibited except in conformity with the conditions established by said permit.

B. The building inspection department may issue such a permit if and only if the proposed design, installation, operation and maintenance for such system conform to such standards as shall be adopted from time to time by resolution of the board of supervisors pursuant to the provisions of this section. Such standards shall be known and referred to as the Augusta County Standards for Sewage Effluent Pump Systems (hereinafter the "Standards").

C. Following installation of any such system, the building inspection department may make such reasonable periodic inspections of the system as shall be necessary to assure compliance with the conditions of the permit. Upon a written finding that the installation, operation or maintenance of the system do not conform to the conditions established by the permit, the building inspection department may revoke said permit and prohibit the further operation of said system until such time as it is brought into conformity with the conditions of the permit. Such prohibition may be enforced by injunction obtained at the initiative of the county from the Circuit Court of Augusta County.

D. The Standards shall be designed to ensure and protect the health, safety and welfare of the residents of Augusta County consistent with good practice and recognized standards for the design, installation, operation and maintenance of similar systems as established or recommended by the State Department of Health, the Virginia Uniform Building Code, and/or recognized trade, professional and building safety organizations or authorities, and shall be reasonable and consistent with the objectives of this section.

E. The objectives of this section are as follows:

1. To prevent spillage of raw sewage within the perimeter of dwellings;
2. To ensure the proper disclosure to purchasers of residential properties of the existence on such properties of sewage effluent pump systems and of the requirements related thereto;
3. To prevent the proliferation of sewage effluent pump systems where service by a gravity system is physically possible and economically feasible;
4. To ensure the timely warning of the failure of sewage effluent pump systems;
5. To promote the health, safety and general welfare of the inhabitants of Augusta County. (Ord. 2/25/98)

State law reference-Virginia Code § 15.2-1200.

**§ 11-13. Alternative Onsite Sewage Systems and Alternative Discharge Sewage Treatment Systems**

A. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

1. “Alternative discharging sewage treatment system” or “discharging system” means any device or system which results in a point source discharge of treated sewage for which the Department of Health may issue a permit authorizing construction and operation when such system is regulated by the SWCB pursuant to a general VPDES permit issued for an individual single family dwelling with flows less than or equal to 1,000 gallons per day on a yearly average. Such a system is designed to treat sewage from a residential source and dispose of the effluent by discharging it to an all-weather stream, an intermittent stream, a dry ditch, or other location approved by the department.

2. “Alternative onsite sewage system," "AOSS," or "alternative onsite system" means a treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

3. "Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

4. “Health officer” shall mean the health officer of the county or a qualified person designated by the health officer of the county.

5. “Operator” means any individual employed or contracted by any owner, who is licensed or certified under Chapter 23 (§54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, monitor, and maintain an alternative onsite sewage system.

6. “Public groundwater supply source” shall mean a well, spring or other groundwater source that is owned by the Augusta County Service Authority and is currently utilized as a water supply for domestic, agricultural, industrial or other beneficial purposes. The term shall exclude any source utilized as a water supply for a transient or other non-community water system.

7. “Source water protection area” shall mean an area within 250 feet of a public groundwater supply source, established by the Augusta County Service Authority to protect such source.

8. "Large AOSS" means an AOSS that serves more than three attached or detached single-family residences with a combined average daily sewage flow greater than 1,000 GPD or a structure with an average daily sewage flow in excess of 1,000 GPD.

9. "Best management practice" means a conservation or pollution control practice approved by the division, such as wastewater treatment units, shallow effluent dispersal fields, saturated or unsaturated soil zones, or vegetated buffers, that manages nutrient losses or other potential pollutant sources to minimize pollution of water resources.

B. Alternative onsite sewage systems and alternative discharging sewage treatment systems shall be permitted in the county, subject to the following conditions:

1. The installation and operation of any alternative onsite sewage system or alternative discharging sewage treatment system must be approved by the health officer, as compliant with this section and the applicable regulations of the Virginia Department of Health.

2. In accordance with the requirements of 12VAC5-613-60 of the *Regulations for Alternative Onsite Sewage Systems*:

a. The department shall not issue an operation permit for an AOSS until the property owner has recorded an instrument that complies with § 15.2-2157 E of the Code of Virginia in the land records of the circuit court having jurisdiction over the site of the AOSS. The local health department shall receive legal documentation indicating that the instrument has been duly recorded before issuance of the operation permit.

b. When all or part of the project area is to be used in the management of nitrogen from a large AOSS, the property owner or the owner of the AOSS shall record legal documentation in the land records of the circuit court having jurisdiction over the site of the AOSS. Such documentation shall contain assurances that the land area will be protected and preserved in accordance with the acceptable best management methods established by the designer, and as defined in 12VAC5-613-10 of the *Regulations for Alternative Onsite Sewage Systems*. The local health department shall receive legal documentation indicating that the instrument has been duly recorded before issuance of the operation permit.

c. All large AOSSs and any AOSS permitted pursuant to 12VAC5-613-90 C of the *Regulations for Alternative Onsite Sewage Systems* shall be subject a renewable operating permit. Such permits shall be issued for a period of five years. The owner of the AOSS shall apply for a new permit at least 180 days prior to the expiration date.

3. All Alternative onsite sewage systems shall be sampled and monitored in accordance with 12VAC5-613-100 of the *Regulations for Alternative Onsite Sewage Systems*. All maintenance and monitoring reports are to be filed in accordance with the provisions of 12VAC5-613-190 of the *Regulations for Alternative Onsite Sewage Systems*.

4. Prior to the installation and operation of any alternative discharging sewage treatment systems, an agreement shall be executed by the property owner. The agreement shall, at a minimum:

a. permit the installation and operation of such alternative discharge sewage treatment system, in accordance with the requirements of 12VAC5-640 *Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings*.

b. provide notice to the public, including, without limitation, subsequent owners of the property, that the property is served by an alternative discharge sewage treatment system.

c. notify owners, and subsequent owners of installation, operation and maintenance conditions as determined by the health officer, and the system designer. In accordance with all elements of 12VAC5-640-500 of the *Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings*, the operation and maintenance requirements shall include, without limitation, a requirement for a system maintenance contract, and monitoring contract with a Virginia Department of Professional and Occupational Regulation licensed professional Class IV wastewater system operator, or alternative onsite system operator (when licensed to operate discharge systems). Such contract shall be valid for a minimum duration of 24 months, and the system owner shall keep such contracts in effect for the life of the General Permit as required by 9VAC25-110-80C2 of the Department of Environmental Quality General Permit to Discharge.

d. require the property owner to assure that a licensed operator inspects, samples, and monitors the discharge system in accordance with 12VAC5-640-490 of the *Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings* to ensure such system continues to operate as designed and in accordance with this section and such agreement.

e. require the property owner, within fifteen (15) working days of receiving any report or test result, to deliver to the health officer a copy of the inspection report or test result, in a form approved by the health officer, and to obtain necessary permits to repair or replace such system, as necessary, to correct any deficiencies identified in the inspection report as required by this section and the applicable regulations of the Virginia Department of Health.

f. require the property owner to report to the health officer any modifications, alterations, and expansions of such system, within fifteen (15) working days thereof.

g. provide that in the event of the failure of such system, as determined by the health officer, the repair or replacement of such system shall be subject to the applicable regulations of the Virginia Department of Health, to the extent such regulations are not inconsistent with this section and such agreement.

h. permit the health officer to enter the property to inspect such system and to determine whether such system is installed, operated and maintained in accordance with this section and such agreement,

i. provide that the property owner's obligations under such agreement shall run with the land and bind the property owner, and the property owner's heirs, personal representatives, successors and assigns, and

j. permit the termination of such agreement, and the revocation of the authorization under this section of the installation and operation of such system, in the event the property owner fails to cause the continued operation of such system, as designed and in accordance with this section and such agreement.

5. No alternative onsite sewage system, alternative discharging sewage treatment system, or conventional onsite sewage system shall be permitted within a source water protection area.

(Ord. 2/23/00; Ord. 6/28/06, eff. 7/01/06; Ord. 11/14/12)

State law reference—Virginia Code § 15.2-2157.

**§ 11-14 through § 11-20. Reserved.**

### **ARTICLE III. Display of Address Numbers.**

#### **§ 11-21. Definitions.**

For the purpose of this article and unless the context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Addressable building. Any building fronting on a public or private street and classified under the BOCA National Building Code with respect to occupancy in one or more of the following use groups: assembly, business, educational, factory and industrial, high hazard, institutional, mercantile, residential and storage. The term does not include a building of an accessory nature which is classified under the BOCA National Building Code as "utility and miscellaneous," such as a private garage, carport, shed or agricultural building.

Primary address number. The number assigned by the Community Development Department to an addressable building.

Secondary address number. The number assigned by the owner of an addressable building to an individual unit within the building in accordance with this article.

Street, private. For purposes of this article only, any right-of-way, public or private, not maintained by the Virginia Department of Transportation and serving as the principal means of access to three or more tracts, lots or parcels of land having separate ownership or occupancy. (Ord. 10/28/98)

Street, public. For purposes of this article only, any right-of-way maintained by the Virginia Department of Transportation. (Ord. 6/12/96)

**§ 11-22. Numbers to be displayed on buildings.**

A. All addressable buildings in Augusta County shall be numbered by the Community Development Department in accordance with the rules and procedures in this article.

B. It shall be the duty of the owners and occupants of all addressable buildings in Augusta County to display address numbers in a manner that is easily readable from the public or private street. The display shall be in accordance with the rules and procedures of this article.

State law reference - Virginia Code § 15.2-2024.

**§ 11-23. Address number required for certificate of occupancy.**

No Certificate of Occupancy shall be issued until the address number has been properly displayed in accordance with the rules and regulations of this article. (Ord. 6/26/13)

**§ 11-24. Primary address numbers.**

A. Every commercial, industrial, institutional and single family residential property shall have one primary address per addressable structure, unless the Community Development Department assigns separate addresses to separate entrances on the same addressable structure.

B. Each primary entrance of a multi-family residential addressable structure shall be assigned a primary address.

**§ 11-25. Secondary address numbers.**

A. Each business or other entity in a commercial, industrial and institutional building containing more than one business or other entity shall be addressed using secondary unit numbers, regardless of interior and exterior access points.

B. Each dwelling in a multi-family residential addressable structure shall be addressed using secondary unit numbers.

C. Secondary address numbers shall be assigned to each unit by the owner of the addressable building in accordance with the rules and procedures in this article.

**§ 11-26. Assignment of primary address number.**

A. Access point determines address. Primary addresses shall consist of the primary address number and the name of the public or private street from which principal access to a building originates. Primary address numbers shall be determined numerically from the address range for the named street segment which the driveway serving the addressable building intersects.

B. Corner lots. The addressable building on a corner lot shall be addressed with reference to the street providing the principal vehicular access to the lot.

C. Multiple access points. When a driveway or other access intersects more than one street, the Community Development Department shall determine the most appropriate street for addressing purposes and shall take into account such factors as (i) length of driveway or other accessway, (ii) direction the addressable building faces, and (iii) relative convenience to emergency vehicles coming to the premises.

**§ 11-27. Assignment of secondary address numbers.**

Secondary address numbers shall be assigned to each unit by the owner of the addressable building in accordance with the following standards:

A. For multi-story addressable buildings not exceeding nine (9) stories, secondary address numbers shall consist of three digits. For multi-story addressable buildings exceeding nine (9) stories, secondary address numbers for units on the tenth floor and above shall consist of four digits and for all other units shall consist of three digits.

B. The two right-most digits shall represent the unit number. The number or numbers to the left of the two right-most digits shall represent the floor number. In cases where basement units require secondary address numbers, the left-most digit shall be "0."

C. For addressable buildings with units accessed directly from an entrance foyer or stairwell, secondary address numbers shall be assigned in sequential order beginning with the left side of the entrance to the building and proceeding in a clockwise direction from that point.

D. For addressable buildings with units accessed by interior hallways, secondary address numbers shall be assigned with even numbers on the east or north side of the hallway

and odd numbers on the west or south side of the hallway. The numbering sequence shall begin at the northern or eastern most unit.

E. When addressable buildings with units accessed by separate exterior entrances for which separate primary address numbers have not been assigned by the Community Development Department, secondary address numbers shall be assigned in the same order as primary address numbers are assigned on the street from which principal access to the building originates.

### **§ 11-28. Display of primary address numbers.**

A. Display. When possible, an assigned primary address number shall be affixed to the addressable building at the front entrance or other entrance so as to be clearly visible from the public right-of-way. If the address number cannot be displayed at an entrance to the building so as to be clearly visible from the public right-of-way, then the address number shall be displayed at the end of the driveway nearest the street, and shall be such that clear identification can be made of the location of the building to which the address is assigned.

B. Numeric posting. The numerals of a primary address shall be displayed in accordance with the following standards:

1. Numerals a minimum of four inches (4") in height and one inch (1") in width shall be displayed on addressable buildings less than one hundred feet (100') from the street.

2. Where the addressable building is one hundred feet (100') or more from the street or where, for any reason, the numerals of an address cannot be displayed so as to be visible from the street, the numerals shall be displayed on a sign at the end of the driveway adjacent to the public or private street. A driveway serving more than one addressable structure on which the numerals cannot be displayed shall have sufficient signage so as to clearly display the address and location of each addressable building.

3. Non-numeric posting of address numerals shall not be permitted unless such posting is in addition to the required numeric posting.

4. Numerals shall contrast with the background so as to be clearly visible from the street.

5. Numerals shall be posted in an area not subject to vegetation or other obstructions to line of sight from the street.

6. Posted numerals shall be maintained regularly to ensure visibility.

**§ 11-29. Display of secondary address numbers.**

A. Display. When possible, an assigned secondary address number shall be affixed to the unit at the front entrance of the unit so as to be clearly visible from the foyer, stairwell, hallway or sidewalk providing pedestrian access to the unit.

B. Numeric posting. The numerals of a secondary address shall be displayed in accordance with the following standards:

1. Non-numeric posting of address numerals shall not be permitted unless such posting is in addition to the required numeric posting.

2. Numerals shall contrast with the background so as to be clearly visible from the foyer, stairwell, hallway or sidewalk providing pedestrian access to the unit.

3. Numerals shall be posted in an area not subject to vegetation or other obstructions to line of sight from the foyer, stairwell, hallway or sidewalk providing pedestrian access to the unit.

4. Posted numerals shall be maintained regularly to ensure visibility.

**§ 11-30. Enforcement.**

No person, firm or corporation shall be found in violation of any provision of this article unless such person, firm or corporation has first received written notice of violation from the Community Development Department and after thirty days from the receipt of said notice remains in violation.

**§ 11-31 through § 11-40. Reserved.**

**ARTICLE IV. Requirements to Carry Concealed Weapon.**

**§ 11-41. Fingerprinting.** Repealed by Ord. 7/25/12; effective 7/1/12

State law reference-Virginia Code § 18.2-308(D)

**ARTICLE V. Panhandling**

*Repealed by ordinance adopted 05/25/16, effective immediately*