

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
pages 1 to 17

3. Date filmed

September 7, 2010

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

Dickenson County Board of Supervisors

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CLINTWOOD DISTRICT



COUNTY ADMINISTRATOR
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DICKENSON COUNTY BOARD OF SUPERVISORS' SALARY ORDINANCE

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and a public hearing held on June 22, 2010 finds it appropriate to adopt a salary ordinance for compensation of the Dickenson County Board of Supervisors as defined herein and pursuant to the charter of the county of Dickenson and Section 15.2-1414.1 *et seq.*, of the Code of Virginia of 1950, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of Dickenson County:

1.1 RATE OF COMPENSATION. The rate of compensation for the Dickenson County Board of Supervisors shall be \$5,500 annually. This amount may be automatically adjusted annually based upon the consumer price index for inflation. However, the annual inflation adjustment shall not exceed 5% annually. The Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,800 annually. The Vice-Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,200 annually.

2.1 FRINGE BENEFITS. The members of the Dickenson County Board of Supervisors shall receive any and all fringe benefits in the same manner and form as such benefits are provided for county employees.

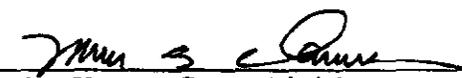
3.1 VALIDITY. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

4.1 EFFECTIVE DATE. This Ordinance shall become effective on and after 12:01 a.m. on July 1, 2010 and remain in effect until June 30, 2011.



Roger Stanley, Chairman

ATTEST:



Mark S. Vanover, County Administrator

DICKENSON COUNTY FLOODPLAIN MANAGEMENT ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Dickenson County, Virginia, as follows:

ARTICLE I - GENERAL PROVISIONS**Section 1.1 – Statutory Authorization and Purpose**

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

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

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Dickenson County and identified as being floodprone.

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge

openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Dickenson County Building Official.
- D. This ordinance shall not create liability on the part of Dickenson County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 - Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.5 - Severability

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

Section 1.6 - Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County shall be guilty of a Class 3 misdemeanor and subject to the penalties therefore.

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

ARTICLE II - DEFINITIONS

- A. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- B. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.

- C. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- E. 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.
- F. Elevated building - 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).
- G. 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.
- H. Flood or flooding -
1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsistence 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.
- I. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- J. Flood Insurance Study (FIS) - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- K. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from

any source.

- L. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- M. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- N. 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. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly cheaper.
- O. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- P. Historic structure - Any structure that is
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
- Q. 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.
- R. 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 on a site for greater than 180 consecutive days, but does not include a recreational vehicle.
- S. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- T. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after February 6, 1991 and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- U. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- V. 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.
- W. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.
- X. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- Y. Structure - for flood plain 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.
- Z. 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.
- AA. 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*.
- BB. Violation - the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- CC. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 - Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for Dickenson County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 29, 2010 and any subsequent revisions or amendments thereto.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the County offices.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
2. 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.
3. The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the governing body.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

Section 3.2 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained

from the Federal Insurance Administration.

Section 3.3 - Interpretation of District Boundaries

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

Section 3.4 – Submitting Technical Data

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

ARTICLE IV - DISTRICT PROVISIONS

Section 4.1 – Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Dickenson County Subdivision Regulations. Prior to the issuance of any such permit, the Dickenson County Building Official shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Site Plans and Permit Applications

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

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the

structure will be flood-proofed.

4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

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

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management)

and the Federal Insurance Administrator.

- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according Article 4, section 4.6, 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 to or above the base flood elevation of one foot freeboard.

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 or above the base flood elevation of one foot freeboard. 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 BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Dickenson County Building Official.

C. Elevated Buildings

Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include, 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 engineer or architect or meet the following minimum design criteria:

- a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, 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 the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 (A) and (B), and section 4.3 (A).
2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for manufactured homes in Article 4, sections 4.2 and 4.3 (D).

Section 4.4 - Standards for the Floodway District

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Building Official.

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.

- B. If Article 4, Section 4.6 (A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

Section 4.5 - Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate 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, AE, and AH, on the County’s Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the County’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.6 - Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Building Official.

The lowest floor shall be elevated to or above the base flood elevation of one foot freeboard. During the permitting process, the Building Official shall obtain:

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

Section 4.7 - 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 proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V - VARIANCES: FACTORS TO BE CONSIDERED

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

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

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

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

- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

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

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

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

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

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

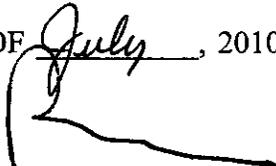
ARTICLE VI – EXISTING STRUCTURES IN FLOODPLAIN AREAS

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

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

ARTICLE VII - ENACTMENT

ENACTED AND ORDAINED THIS 27 DAY OF July, 2010. This ordinance shall become effective upon passage.



ROGER STANLEY, CHAIRMAN

July 28, 2010
DATE

ATTEST:



DICKENSON COUNTY ADMINISTRATOR

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 18

3. Date filmed

November 11, 2010

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

ADDENDUM TO THE DICKENSON COUNTY SOLID WASTE AND LITTER ORDINANCE

ARTICLE 23: TIPPING FEES

23.1.

F. Disposal of Tires

(1) Any tire waste including but not limited to passenger cars and trucks, commercial or utility truck tires, tractor and trailer tires, tandem truck tires, small equipment tires, mining equipment tires and construction equipment tires generated by commercial businesses as defined in this Ordinance shall be subjected to a waste disposal tipping fee. The tires shall be acceptable at the Transfer Station provided that all provisions of this Ordinance have been satisfied and provided that the person disposing of the tires pays the tipping fee as required herein.

(2) Commercial tire waste generators shall not be required to obtain the permit as set forth in Article 23.1(D).

(3) Tire generators shall pay the following tipping fees for the disposal of tire waste at the Transfer Station:

Seventy (\$70.00) dollars per ton, computed on the basis of seventy (\$0.70) cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one (\$0.01) cent. The minimum charge shall be five dollars (\$5.00) per load. The tipping fee may be adjusted from time to time, as the fee is adjusted by the Dickenson County Board of Supervisors. Materials, whether solid, liquid, or gaseous, which are classified as either hazardous or toxic in accordance with state and/or federal rules and regulations are prohibited.

This Addendum shall become effective OCTOBER 26, 2010.

Adopted this 26TH day of OCTOBER, 2010.



ROGER STANLEY, CHAIRMAN
Dickenson County Board of Supervisors

Attest: Leresa Lyall
Clerk

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 19 to 21

3. Date filmed

February 15, 2011

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

**ORDINANCE TO TERMINATE THE CABLE TELEVISION
FRANCHISE OF K & V CABLE**

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and public hearing held on the 26TH day of OCTOBER, 2010 finds it appropriate to adopt an ordinance terminating the cable television franchise of K & V Cable;

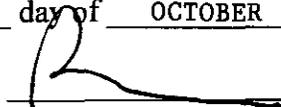
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Dickenson County Board of Supervisors:

The Dickenson County Board of Supervisors, after public hearing, finds the following facts:

1. That K & V Cable has not rendered efficient service, made repairs promptly, or interrupted service only for good cause and for the shortest time possible;
2. That K & V Cable has not maintained sufficient employees to provide safe, adequate and prompt service for its facilities;
3. That K & V Cable is in violation of the Dickenson County Cable Television Franchise Ordinance.

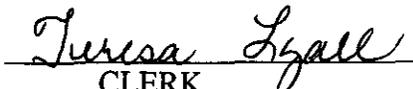
Upon these findings of fact, the Dickenson County Board of Supervisors hereby terminates K & V Cable's cable television franchise.

ADOPTED this the 26TH day of OCTOBER, 2010.



 Roger Stanley, Chairman

ATTEST:



 CLERK

ADDENDUM TO THE DICKENSON COUNTY SOLID WASTE AND LITTER ORDINANCE

ARTICLE 23: TIPPING FEES

23.1.

F. Disposal of Tires

(1) Any tire waste including but not limited to passenger cars and trucks, commercial or utility truck tires, tractor and trailer tires, tandem truck tires, small equipment tires, mining equipment tires and construction equipment tires generated by commercial businesses as defined in this Ordinance shall be subjected to a waste disposal tipping fee. The tires shall be acceptable at the Transfer Station provided that all provisions of this Ordinance have been satisfied and provided that the person disposing of the tires pays the tipping fee as required herein.

(2) Commercial tire waste generators shall not be required to obtain the permit as set forth in Article 23.1(D).

(3) Tire generators shall pay the following tipping fees for the disposal of tire waste at the Transfer Station:

Seventy (\$70.00) dollars per ton, computed on the basis of seventy (\$0.70) cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one (\$0.01) cent. The minimum charge shall be five dollars (\$5.00) per load. The tipping fee may be adjusted from time to time, as the fee is adjusted by the Dickenson County Board of Supervisors. Materials, whether solid, liquid, or gaseous, which are classified as either hazardous or toxic in accordance with state and/or federal rules and regulations are prohibited.

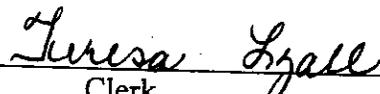
This Addendum shall become effective OCTOBER 26, 2010.

Adopted this 26TH day of OCTOBER, 2010.



ROGER STANLEY, CHAIRMAN
Dickenson County Board of Supervisors

Attest:



Clerk

**ORDINANCE TO TERMINATE THE CABLE TELEVISION
FRANCHISE OF R & S COMMUNICATIONS, LLC**

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and public hearing held on the 23RD day of NOVEMBER, 2010 finds it appropriate to adopt an ordinance terminating the cable television franchise of R & S Communications, LLC;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Dickenson County Board of Supervisors:

The Dickenson County Board of Supervisors, after public hearing, finds the following facts:

1. That R & S Communications, LLC has not rendered efficient service, made repairs promptly, or interrupted service only for good cause and for the shortest time possible;
2. That R & S Communications, LLC has not maintained sufficient employees to provide safe, adequate and prompt service for its facilities;
3. That R & S Communications, LLC is in violation of the Dickenson County Cable Television Franchise Ordinance.

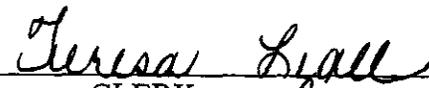
Upon these findings of fact, the Dickenson County Board of Supervisors hereby terminates R & S Communications, LLC's cable television franchise.

ADOPTED this the 23RD day of NOVEMBER, 2010.



Roger Stanley, Chairman

ATTEST:



CLERK

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 22 to 60

3. Date filmed

June 14, 2011

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF COUNTY
ELECTION DISTRICT AND PRECINCTS AND TO ESTABLISH POLLING
PLACES WITHIN SUCH PRECINCTS**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Dickenson County, Virginia:

SECTION 1. AUTHORITY.

Pursuant to Article VII, Section 5 of the Constitution of Virginia, and Sections 15.2-1211 and 24.2-304.1 *et seq.* of the Code of Virginia (1950), as amended, the Election Districts, their respective Precincts and Polling Places for Dickenson County, Virginia, and hereby created and established as set forth in this Ordinance.

SECTION 2. ELECTION DISTRICTS.

The election districts for Dickenson County with their respective populations are set forth below:

<u>Election District</u>	<u>Population</u>
District I (Clintwood)	3,157
District II (Ervinton)	3,030
District III (Kenady)	3,273
District IV (Sandlick)	3,338
District V (Willis)	3,106

SECTION 2(A). BOUNDARIES.

The boundaries of the respective election districts are as set forth below:

ELECTION DISTRICT I

CLINTWOOD DISTRICT

Election District I shall consist of Census Block numbers 1012, 1015-1032, 1073-1075, 1102, 1106-1116, 1118-1132, 1137-1138, 1142, 2006- 2007, 2010-2057, 3000-3043, 3046, 3048-3081, 3086, 4000-4004, 4009, 4011, 5000-5009, 5018, 5020-5021 of the 2010 United States Census of Population, and is described as one boundary as follows:

BEGINNING at the center of State Route 83, Dickenson HWY at its intersection with the Dickenson-Wise County line, a corner to the Clintwood and Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83, Dickenson HWY in an easterly direction to the southwest corner of Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621, Browning HOLW; thence southerly with the center of State Route 621 to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK, approximately 0.7 miles to the southwestern corner of Census Block 1128; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Block 1128 to the western

corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence continuing with the eastern and southern boundary of Census Blocks 5010 and 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Kenady Magisterial District line and turning northerly with the Clintwood-Ervinton Magisterial District line generally down Caney Creek continuing with the eastern boundary of Census Block 5009, and the southern boundary of Census Blocks 5020, 5018, 5019, and 4001 to the northeast corner of Census Block 4001 near the mouth of Caney Creek; thence continuing in a northwesterly direction generally following the CSX Railroad and with the eastern boundary of Census Blocks 4001, 5008, and 5064, and the western boundary of Census Block 1101 to northwest corner of Census Block 1101 at the State Route 83 bridge at Fremont, Virginia; thence with the center of State Route 83, Dickenson HWY in a westerly direction to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to a point in the southern boundary of Census Block 1014; thence continuing southwesterly with the southern boundary of Census Block 1014 to its southwest corner at the Cranesnest Boat Ramp; thence northwesterly with the western boundary of Census Blocks 1014 and 2008 and continuing with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The

Lake RD; 619, Skeetrock RD; and 700, Big Smith Ridge RD; thence continuing southwesterly with the center of State Route 607, The Lake RD to the intersection of State Routes 607, The Lake RD, 689, Jerrys BR, and 704, Wolfe Pen RD; thence continuing with the center of State Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwesterly direction with the center of State Route 607, The Lake RD / Clintwood Main ST, to the intersection of State Route 83, Dickenson HWY, near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY, to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK, to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the Virginia-Kentucky State line; thence southwesterly with the Virginia-Kentucky State line to the Dickenson-Wise County line; thence southerly with the Dickenson-Wise County line to the point of BEGINNING.

ELECTION DISTRICT II

ERVINTON DISTRICT

Election District II shall consist of parts of Census Block numbers 1000-1100, 1103-1105, 1143, 2000-2002, 2009, 2076, 2078-2095, 2108-2123, 2131-2136, 3003-3004, 3006, 3009-3012, 3016, 3018-3042, 3044, 3045, 3051-3104, 3106-3107, 3111,

3113-3118, 3120-3127, 3130-3133, 3136-3138, 4000, 4002-4004, 4007-4012, 4023-4025, 4032-4033, 4067, 4076-4078, 4084, 5066 -5068 of the 2010 Census of Population, and its described in one boundary as follows:

BEGINNING at the southwest corner of Census Block 2112 near the intersection of State Routes 626, Phillips HOLW and 694, Trammel Gap MTN on the Dickenson-Russell County line; thence with the Dickenson-Russell County line in a northeasterly direction to the common corner of Dickenson, Russell, and Buchanan Counties; thence with the Dickenson-Buchanan County line to the center of State Route 80, Sandlick RD, a common corner with the Sandlick Magisterial District; thence northwesterly with the center of State Route 80, Sandlick RD to its intersection with State Route 625, Frying Pan RD; thence in a southwesterly direction with the center of State Route 625, Frying Pan RD to the southeast corner of Census Block 3003 near the American Electric Power transmission line; thence with the northern boundary of Census Blocks 3003 and 3010 generally following the American Electric Power transmission line to State Route 671, Rock Lick RD; thence westerly with the center of State Route 671, Rock Lick RD to the intersection of State Route 679, Nancy HOLW; then continuing northwesterly with the center of State Route 671, Rock Lick RD to the intersection of State Route 670, Lick Creek RD; thence northerly with the center of State Route 670, Lick Creek RD to the southern corner of Census Block 4073 near the American Electric Power transmission line; thence northwesterly generally following the American Electric Power transmission line and with the northern boundary of Census Blocks 4078, 4077, 4076 to the southeast corner of Census Block 4070 at State Route 669, Edwards RDG; thence westerly with the center of State Route 669, Edwards RDG, approximately 100 feet to the southwest

corner of Census Block 4070; thence northwesterly with the northeastern boundary of Census Block 4071 to State Route 820, Russ Edwards RD; thence northeasterly with State Route 820, Russ Edwards RD, approximately 100 feet to the common corner of Census Blocks 4070 and 4064; thence northwesterly with the eastern boundary of Census Blocks 4067 and 4066 to State Route 607, Crooked BR; thence continuing with the eastern boundary of Census Block 3055 and generally following the American Electric Power transmission line to State route 652, Backbone RDG; thence westerly with the center of State Route 652 to the intersection of State Routes 668, Backbone RDG and 652, Dollys House LN; thence continuing northwesterly with the center of State Route 668 to the southern corner of Census Block 3041 near Emory DR and the American Electric Power transmission line; thence southwesterly with the northwestern boundary of Census Block 3072 and generally following the American Electric Power transmission line to State Route 607, Road BR; thence northwesterly with State Route 607, Road BR to State Route 83, Dickenson HWY; thence easterly with the center of State Route 83, Dickenson HWY to the northeast corner of Census Block 1062 near the American Electric Power transmission line; thence northwesterly with the northeastern boundary of Census Blocks 1062, 1034, and 1033, generally following the American Electric Power transmission line to the southwest corner of Census Block 1017; thence with the southern and eastern boundary of Census Block 1017 to a point in the center of Loop CIR; thence southwesterly with the center of Loop CIR approximately 400 feet State Route 63, Big Ridge RD, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Ervinton-Sandlick Magisterial District line and with the Ervinton-Willis Magisterial District line in a southwesterly direction with the center of State Route 63,

Big Ridge RD to the intersection of State Route 637, Rose RDG; thence southwesterly with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Ervinton-Willis Magisterial District line and continuing with the Clintwood-Ervinton Magisterial District line and the center of State Route 637, Rose RDG to the intersection of State Route 83, Dickenson HWY; thence easterly with the center of State Route 83, Dickenson HWY to the northwest corner of Census Block 1101 at the State Route 83 bridge at Fremont, Virginia; thence following the western boundary of Census Block 1101 and the eastern boundary of Census Blocks 5064, 5008, and 4001 generally following the McClure River and CSX Railroad the northeast corner of Census Block 4001 at the mouth of Caney Creek; thence generally up Caney Creek in a southerly direction with the southern boundary of Census Blocks 4001, 5019, 5018, and 5020 and the eastern boundary of Census Block 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and continuing with the Ervinton-Kenady Magisterial District line and the eastern boundary of Census Block 5013 and northeastern boundary of Census Block 4013 to State Route 643, Carter Stanley HWY; thence southerly approximately 2.15 miles with the center of State Route 643, Carter Stanley HWY, to the intersection of State Route 654; thence northeasterly with the center of State Route 654, Smith RDG, approximately 2.25 miles to the northwest corner of Census Block 4048; thence with the northern boundary of Census Block 4048 to the southwestern corner of Census Block 4025 near the CSX railroad; thence southeasterly with the southwestern

boundary of Census Blocks 4023, 4033, and 4032 generally following the CSX railroad to the southeast corner of Census Block 4032 at the railroad bridge on State Route 652, Doctor Ralph Stanley HWY; thence with the center of State Route 652, Doctor Ralph Stanley HWY in a southerly direction to the intersection of State Route 651, Brushy Ridge RD; thence with the center of State Route 651, Brushy Ridge RD, to the intersection of State Route 627. Long RDG; thence southeasterly with the center of State Route 627, Long RDG to the intersection of State Route 650, Sandy Ridge RD; thence continuing southeasterly with the center of State Route 627, West Dante HOLW, approximately 0.6 miles to the southwestern corner of Census Block 2076; thence northeasterly with the southern boundary of Census Block 2076 to the Dickenson-Russell county line; thence with the Dickenson-Russell county line to the point of the BEGINNING.

ELECTION DISTRICT III

KENADY DISTRICT

Election District III shall consist of parts of Census Block numbers 1134, 2003-2008, 2010-2048, 2051, 2055-2064, 2066-2075, 2077, 2096-2107, 2124-2126, 2128, 2130, 2137, 3044-3045, 3047-3051, 3055-3062, 4005-4008, 4010, 4012-4024, 4026-4072, 5010-5017, 5022-5045, 5047-5060, 5062-5063, 5070 of the 2010 Census of Population and is described in one boundary as follows:

BEGINNING at the center of State Route 83, Dickenson HWY, at its intersection with the Dickenson-Wise County line, a corner to the Clintwood and Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83, Dickenson HWY, in an easterly direction to the southwest corner of

Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621; thence southerly with the center of State Route 621, Browning HOLW, to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD, to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK approximately 0.7 miles to the southwestern corner of Census Block 1128; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Block 1128 to the western corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence continuing with the southern boundary of Census Blocks 5010 and 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Kenady Magisterial District line and continuing southerly with the Ervinton-Kenady Magisterial District line and the eastern boundary of Census Block 5013 and northeastern boundary of Census Block 4013 to State Route 643; thence southerly approximately 2.15 miles with the center of State Route 643, Carter Stanley HWY, to the intersection of State Route 654, Smith RDG; thence northeasterly with the center of State Route 654, Smith RDG, approximately 2.25 miles to the

northwest corner of Census Block 4048; thence with the northern boundary of Census Block 4048 to the southwestern corner of Census Block 4025 near the CSX railroad; thence southeasterly with the southwestern boundary of Census Blocks 4023, 4033, and 4032 generally following the CSX railroad to the southeast corner of Census Block 4032 at the railroad bridge on State Route 652, Doctor Ralph Stanley HWY; thence with the center of State Route 652, Doctor Ralph Stanley HWY in a southerly direction to the intersection of State Route 651, Brushy Ridge RD; thence with the center of State Route 651, Brushy Ridge RD to the intersection of State Route 627, Long RDG; thence southeasterly with the center of State Route 627, Long RDG to the intersection of State Route 650, Sandy Ridge RD; thence continuing southeasterly with the center of State Route 627, West Dante HOLW approximately 0.6 miles to the southwestern corner of Census Block 2076; thence with the southern boundary of Census Block 2076 to the Dickenson-Russell county line; thence with the Dickenson-Russell county line to the corner of Dickenson, Russell, and Wise Counties; thence with Dickenson-Wise county line to the point of the BEGINNING.

ELECTION DISTRICT IV

SANDLICK DISTRICT

Election District IV shall consist of a part of Census Block numbers 1008-1020, 1036-1045, 1063-1064, 1069-1070, 2000-2011, 2013-2069, 2071-2075, 2077, 2079-2085, 2089-2090, 2093, 2109-2132, 2137-2138, 3000-3039, 3041, 3043-3054, 3056-3070, 3073, 3075-3079, 3105, 4000-4029, 4031-4032, 4034-4050, 4052, 4056-4065, 4068, 4070, 4072-4075, 4079-4083, 4085-4087 of the 2010 Census of Population, and is described in one boundary as follows:

BEGINNING at the center of State Route 80, Sandlick RD on the Dickenson-Buchanan County line; thence following the Dickenson-Buchanan County line in a northerly direction to the Virginia-Kentucky state line; thence with the Virginia-Kentucky state line to the northern corner of Census Block 2089, near the CSX railroad, a corner of the Sandlick and Willis Magisterial Districts; thence leaving the Virginia-Kentucky state line and with the Sandlick-Willis Magisterial District line and with the eastern / southern boundary of Census Block 2089 and generally following the CSX railroad to the southeast corner of Census Block 2088 near the CSX railroad bridge at Tom's Bottom; thence following the eastern boundary of Census Blocks 2088 and 2103 generally along the western side of Russell Fork River to the confluence of Russell Fork River and Pound River; thence continuing in a westerly direction with the southern boundary of Census Block 2103 and the eastern boundary of Census Block 2106 to a point near the center of the John Flannagan Dam embankment and State Route 739, Flannagan Dam RD; thence southerly with the center of State Route 739, Flannagan Dam RD, to the intersection of State Route 614, Cowpath RD; thence continuing with the center of State Route 614 in an easterly direction to the intersection of State Route 63, Big Ridge RD; thence southerly with the center of State Route 63, Big Ridge RD to Loop CIR, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Sandlick-Willis Magisterial District line and continuing with the Ervinton-Sandlick Magisterial District line northeasterly with the center of Loop CIR to the northeast corner of Census Block 1017; thence with the eastern and southern boundary of Census Block 1017 to the southwest corner of Census Block 1017 near the American Electric Power transmission line; thence generally following the American Electric

Power transmission line southeasterly with the northeastern boundary of Census Blocks 1033, 1034, and 1062 to the northeast corner of Census Block 1062 at State Route 83; thence southwesterly with the center of State Route 83, Dickenson HWY to State Route 607, Road BR; thence southeasterly with the center of State Route 607 to the western corner of Census Block 3072 at the American Electric Power transmission line; thence with the northwestern boundary of Census Block 3072 to State Route 668, Backbone RDG; thence with the center of State Route 668 to the intersection of State Route 652, Dollys House LN / Backbone RDG; thence continuing with the center of State Route 652, Backbone RDG to the northeast corner of Census Block 3055 at the American Electric Power transmission line; thence with the eastern boundary of Census Block 3055, generally following the American Electric Power transmission line to State Route 607, Crooked BR; thence continuing southeasterly generally with the American Electric Power transmission line and with the eastern boundary of Census Blocks 4066 and 4067 to the common corner of Census Blocks 4070 and 4064 at State Route 820, Russ Edwards RD; thence southwesterly with State Route 820, Russ Edwards, RD approximately 100 feet to the northwest corner of Census Block 4070; thence with the southern boundary of Census Block 4070 to State Route 669, Edwards RDG; thence with the center of State Route 669, Edwards RDG, approximately 100 feet to the southeast corner of Census Block 4070; thence southeasterly generally following the American Electric Power transmission line and with the northern boundary of Census Blocks 4076, 4077, 4078 to the southern corner of Census Block 4073 at State Route 670, Lick Creek RD; thence southerly with the center of State Route 670, Lick Creek RD to the intersection of State Route 671, Lick Creek RD thence southeasterly with the center of

State Route 671, Lick Creek RD to the corner of Census Block 3010 near the American Electric Power transmission line; thence leaving State Route 671, Lick Creek RD and generally following the American Electric Power transmission line and the northern boundary of Census Blocks 3010 and 3003 to the southeast corner of Census Block 3003 at State Route 625, Frying Pan RD; thence northeasterly with the center of State Route 625, Frying Pan RD to the intersection of State Route 80, Sandlick RD; thence with the center of State Route 80, Sandlick RD to the point of BEGINNING.

ELECTION DISTRICT V

WILLIS DISTRICT

Election District V shall consist of parts of Census Block numbers 1000-1018, 1020-1072, 1076, 2000-2028, 2030-2033, 2088-2089, 2094-2105, 2108, 2133-2136, 2139-2143, 3030-3036, 3038-3047, 3063, 3082-3085, 3087 of the 2010 Census of Population, and is described in one boundary as follows:

BEGINNING at the northwest corner of Census Block 1016 on the Virginia-Kentucky state line on the headwaters of Bearpen Branch, a corner to the Clintwood and Willis Magisterial Districts; thence northeasterly with the Virginia-Kentucky state line to the northern corner of Census Block 2089, near the CSX railroad, a corner of the Sandlick and Willis Magisterial Districts; thence leaving the Virginia-Kentucky state line and with the Sandlick-Willis Magisterial District line and with the southern boundary of Census Block 2089 and generally following the CSX railroad to the southeast corner of Census Block 2088 near the CSX railroad bridge at Tom's Bottom; thence following the eastern boundary of Census Blocks 2088 and 2103 generally along the western side of Russell Fork River to the confluence of Russell Fork River and Pound River; thence

continuing in a westerly direction with the southern boundary of Census Block 2103 and the eastern boundary of Census Block 2106 to a point near the center of the John Flannagan Dam embankment and State Route 739, Flannagan Dam RD; thence southerly with the center of State Route 739, Flannagan Dam RD to the intersection of State Route 614, Cowpath RD; thence continuing with the center of State Route 614, Cowpath RD in an easterly direction to the intersection of State Route 63, Big Ridge RD; thence southerly with the center of State Route 63, Big Ridge RD, to Loop CIR, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Sandlick-Willis Magisterial District line and with the Ervinton-Willis Magisterial District line in a southwesterly direction with the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence southwesterly with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Ervinton-Willis Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to a point in the southern boundary of Census Block 1014; thence continuing southwesterly with the southern boundary of Census Block 1014 to its southeast corner at the Cranesnest Boat Ramp; thence northwesterly with the western boundary of Census Blocks 1014 and 2008 continuing with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The Lake RD, 619, Skeetrock RD; and 700, Big Smith Ridge RD; thence continuing southwesterly with the center of State Route 607, The Lake RD to the intersection of

State Routes 607, The Lake RD; 689, Jerrys BR; and 704, Wolfe Pen RD; thence continuing with the center of State Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwesterly direction with the center of State Route 607, The Lake RD / Clintwood Main ST to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the point of BEGINNING.

SECTION 2(B). PRECINCTS AND POLLING PLACES.

The election districts shall be divided into precincts with their respective polling places as set forth below:

District I (Clintwood)

<u>Name</u>	<u>Polling Place</u>
South Clintwood Precinct	Clintwood High School

District II (Ervinton)

Nora Precinct	Ervinton Elementary School
Frying Pan Precinct	Old Sulpher Springs School
Clinchco Precinct	Clinchco Elementary School

District III (Kenady)

West Dante Precinct	Brushy Ridge Community Center
Herald Precinct	Ervinton High School
Ridge Precinct	Block Building at 119 Omaha Sunset Rd
Longs Fork Precinct	Longs Fork Elementary School

District IV (Sandlick)

Colley Precinct	Sandlick Elementary School
Haysi Precinct	Haysi High School

District V (Willis)

Tarpon Precinct	Block building at 177 Mount Olive Lane
Artrip Precinct	Block Building at 5956 The Lake Road
North Clintwood Precinct	Dickenson County Courthouse

SECTION 3. BOUNDARIES OF PRECINCTS.

ELECTION DISTRICT I

South Clintwood Precinct

BEGINNING at the center of State Route 83, Dickenson HWY at its intersection with the Dickenson-Wise County line, a corner to the Clintwood-Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83 in an easterly direction to the southwest corner of Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621, Browning HOLW; thence southerly with the center of State Route 621 to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK approximately 0.5 miles to the southwestern corner of Census Block 1128; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Block 1128 to the western corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence continuing with the southern boundary of Census Blocks 5010 and 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Kenady Magisterial District line and turning northerly with the Clintwood-Ervinton Magisterial District line and generally down

Caney Creek continuing with the eastern boundary of Census Block 5009, and the southern boundary of Census Blocks 5020, 5018, 5019, and 4001 to the northeast corner of Census Block 4001 near the mouth of Caney Creek; thence continuing in a northwesterly direction generally following the CSX Railroad and with the eastern boundary of Census Blocks 4001, 5008, 5064, and the western boundary of Census Block 1101 to northwest corner of Census Block 1101 at the State Route 83, Dickenson HWY bridge at Fremont, Virginia; thence with the center of State Route 83, Dickenson HWY in a westerly direction to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to a point in the southern boundary of Census Block 1014; thence continuing southwesterly with the southern boundary of Census Block 1014 to its southeast corner at the Cranesnest Boat Ramp; thence northwesterly with the western boundary of Census Blocks 1014 and 2008 continuing with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The Lake RD, 619, Skeetrock RD and 700, Big Smith Ridge RD; thence continuing southwesterly with the center of State Route 607, The Lake RD to the intersection of State Routes 607, The Lake RD, 689, Jerrys BR and 704, Wolfe Pen RD; thence continuing with the center of State Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwesterly direction with the

center of State Route 607, The Lake RD / Clintwood Main ST to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the Virginia-Kentucky State line; thence southwesterly with the Virginia-Kentucky State line to the Dickenson-Wise County line; thence southerly with the Dickenson-Wise County line to the point of BEGINNING.

ELECTION DISTRICT II

Nora Precinct

BEGINNING at a point in the center of State Route 626, Phillips HOLW near the intersection of State Route 694, Trammel Gap MTN on the Dickenson-Russell County line; thence with the Dickenson-Russell County line in a northeasterly direction to its intersection with State Route 618, Rabbit RDG a corner to the Frying Pan Precinct; thence leaving the Dickenson-Russell County line and with the Frying Pan Precinct in a westerly direction with the center of State Route 618 to the intersection of State Routes 618, Rabbit RDG, 600, Fryingpan RD / Wilder RD and 657, East Hazel Mountain RD; thence westerly with the center of State Route 657, East Hazel Mountain RD to the intersection of State Route 699, Counts RDG; thence with the center of State Route 699,

Counts RDG to its end and continuing with a service road and the eastern boundary of Census Blocks 1042, and 1041 to the northeastern corner of Census Block 1041 at a service road intersection; thence leaving the service road with the northern boundary of Census Block 3024 to the Middle of the World RD; thence with the center of the Middle of the World RD to State Route 661, Middle of the World RD; thence northwesterly with the center of State Route 661, Middle of the World RD to the intersection of State Route 670, Aily RD; thence northerly with the center of State Route 670, Aily RD to its intersection with State Route 661, at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence with the Clinchco Precinct westerly with the center of State Route 661 to the intersection of State Route 63, Dante Mountain RD; thence northerly with the center of State Route 63, Dante Mountain RD to the intersection of State Route 83, Dickenson HWY; thence westerly with the center of State Route 83, Dickenson HWY to the Clintwood-Ervinton Magisterial District line; thence southerly with the Clintwood-Ervinton Magisterial District line to the Ervinton-Kenady Magisterial District line; thence continuing with the Ervinton-Kenady Magisterial District line to the Dickenson-Russell county line; thence northeasterly with the Dickenson-Russell County line to the point of BEGINNING.

Clinchco Precinct

BEGINNING at the intersection of State Route 661 and State Route 670 at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence with the Frying Pan Precinct and the center of State Route 670 to the Ervinton-Sandlick Magisterial District line near the intersection of State Route 670 and the American Electric Power transmission line; thence northwesterly with the Ervinton-Sandlick

Magisterial District line to the northeast corner of Census Block 4066 at the intersection of State Route 607, Crooked BR; thence continuing with the American Electric Power transmission line and the northeastern boundary of Census Block 3055 to State Route 652, Backbone RDG; thence with the center of State Route 652 to the intersection of State Routes 652, Backbone RDG / Dollys House LN and 668, Backbone RDG; thence with the center of State Route 668, Backbone RDG to the southern corner of Census Block 3041 near the American Electric Power transmission line and Emory Drive; thence southwesterly with the northern boundary of Census Block and generally following the American Electric Power transmission line to State Route 607, Road BR; thence northwesterly with the center of State Route 607, Road BR to the intersection of State Route 83; thence continuing with the Ervinton-Sandlick Magisterial District line to its corner near the American Electric Power transmission line; thence generally following the American Electric Power transmission line to the southwest corner of Census Block 1017; thence leaving the American Electric Power transmission line and with the southern and eastern boundary of Census Block 1017 to Loop CIR; thence with the center of Loop CIR approximately 400 feet to State Route 63, a corner of the Ervinton-Sandlick-Willis Magisterial Districts; thence southwesterly with the Ervinton-Willis Magisterial District line and the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637, Rose RDG to the corner of the Clintwood, Ervinton Magisterial Districts; thence continuing with the Clintwood-Ervinton Magisterial District line to the intersection of State Route 83, Dickenson HWY; thence easterly with the center of State Route 83, Dickenson HWY to its intersection with State Route 63, , a corner to the Nora Precinct;

thence southerly with the Nora Precinct and with the center of State Route 63 to its intersection with State Route 661; thence easterly with the center of State Route 661 to the point of BEGINNING.

Frying Pan Precinct

BEGINNING at the intersection of the Dickenson-Buchanan County line and State Route 80, Sandlick RD; thence with the Dickenson-Buchanan County line to the corner of Dickenson, Buchanan and Russell Counties; thence with the Dickenson-Russell County line to its intersection with State Route 618 and the Nora Precinct; thence leaving the Dickenson-Russell County line in a westerly direction with the Nora Precinct and the center of State Route 618 to the intersection of State Routes 618, 600, and 657; thence westerly with the center of State Route 657 to the intersection of State Route 699; thence northwesterly with the center of State Route 699 to its end; thence continuing with a service road and the eastern boundary of Census Blocks 1042 and 1041 to the northeastern corner of Census Block 1041 at a service road intersection; thence leaving the service road with the northern boundary of Census Block 3024 to the Middle of the World Road; thence with the center of the Middle of the World Road to State Route 661; thence northwesterly with the center of State Route 661 to the intersection of State Route 670; thence northerly with the center of State Route 661 at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence northerly with the Clinchco Precinct and the center of State Route 670 to the Ervinton-Sandlick Magisterial District line at the intersection of State Route 671; thence continuing with the Ervinton-Sandlick Magisterial District line and the center of State Route 671 to the northeast corner of Census Block 3010 near the American Electric Power transmission line; thence generally

following the American Electric Power transmission line southeasterly to the center of State Route 625; thence with the center of State Route 625 to the intersection of State Route 80; thence continuing easterly with the Ervinton-Sandlick Magisterial District line and the center of Route 80 to the point of BEGINNING.

ELECTION DISTRICT III

West Dante Precinct

BEGINNING at the intersection of State Routes 650 and 627 on the Ervinton-Kenady Magisterial District line; thence southeasterly with the Ervinton-Kenady Magisterial line and the center of State Route 627 approximately 0.6 miles; thence leaving State Route 627 in an easterly direction and continuing with the Ervinton-Kenady Magisterial District line to the Dickenson-Russell County line; thence southwesterly with the Dickenson-Russell County line to the corner of Dickenson, Russell, and Wise Counties; thence continuing with the Dickenson-Wise County line to the southwest corner of Census Block 2064 near High Point Drive, a corner to the Herald Precinct; thence with the Herald Precinct and the western boundary of Census Block 2064 to the southeast corner of Census Block 2055; thence with the eastern boundary of Census Block 2055 to a point in the boundary of Census Block 2056; thence northerly with the boundary of Census Block 2056 to the southwest corner of Census Block 2057; thence along the western boundary of Census Block 2057 to the southwest corner of Census Block 2021; thence with the western boundary of Census Block 2021 to the western corner of Census Block 2020; thence with the eastern boundary of Census Block 2020 to a point in the southern boundary of Census Block 2032; thence with the western boundary of Census Block 2032 to the southeast corner of Census Block 2018; thence

with the eastern boundary of Census Block 2018 to the southeast corner of Census Block 2031; thence with the eastern boundary of Census Block 2031 to the southern corner of Census Block 2034; thence with the western boundary of Census Block 2034 to the southwestern corner of Census Block 2035; thence with the northern boundary of Census Block 2035 to the western corner of Census Block 2029; thence with the western boundary of Census Block 2029 to a point in the boundary of Census Block 2025; thence with the western boundary of Census Block 2025 to State Route 651; thence northerly with center of State Route 651 to the Ervinton-Kenady Magisterial District line at the intersection of State Route 627; thence with the Ervinton-Kenady Magisterial District line and the center of State Route 627 to the BEGINNING.

Herald Precinct

BEGINNING on the Ervinton-Kenady Magisterial District line at the intersection of State Route's 651 and 627; thence with the Ervinton-Kenady Magisterial District line northerly to the corner of the Ervinton-Kenady Magisterial District line near the railroad bridge at Nora; thence continuing generally with the CSX railroad with the Ervinton-Kenady Magisterial District line northwesterly to the northwest corner of Census Block 4048; thence leaving the CSX railroad and with the northwestern boundary of Census Block 4048 to State Route 654; thence southerly with the center of State Route 654 to the intersection of State Route 643; thence with the center of State Route 643 to the southeast corner of Census Block 4004; thence with the southern boundary of Census Block 4004 to a point in the boundary of Census Block 5013, a corner to the Ridge Precinct; thence leaving the Ervinton-Kenady Magisterial District line and with the Ridge Precinct generally up Caney Creek southwesterly with the southeastern boundary of

Census Block 5013 to the eastern corner of Census Block 4016 at State Route 644; thence continuing southwesterly with the southern boundary of Census Blocks 4016 and 5049 to the northern corner of Census Block 4043; thence with the eastern boundary of Census Blocks 4043, 5055, 5049, and 5056 to the northeast corner of Census Block 5070; thence with the northern boundary of Census Block 5070 and the western boundary of Census Block 5053 to the southeast corner of Census Block 5070; thence with the western boundary of Census Blocks 4036, 4038, and 4039 to the northwestern corner of Census Block 4041; thence with the western boundary of Census Blocks 4041, 4067, 4055, 4056, 4058, and 4059 to the Dickenson-Wise County line; thence southeasterly with the Dickenson-Wise County line to the point of BEGINNING.

Ridge Precinct

BEGINNING at the intersection of the Dickenson -Wise County line and State Route 72, Coeburn RD; thence northerly with the center of State Route 72, Coeburn RD to the northwestern corner of Census Block 5041 on the south side of the CSX Railroad; thence northeasterly generally following the CSX railroad and Cranesnest River and with southern boundary of Census Blocks 5041 and 5033 to the southeast corner of Census Block 3050 at the State Route 637 bridge over Cranesnest River, thence continuing with the eastern boundary of Census Blocks 3050 and 3051 to State Route 649 and the Clintwood-Kenady Magisterial District line; thence southerly with the Clintwood-Kenady Magisterial District line and State Route 649 to the left fork of Rush Creek; thence turning southeasterly and continuing with the Clintwood-Kenady Magisterial District line to the corner of the Clintwood-Ervinton-Kenady Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and continuing southerly with the Ervinton-

Kenady Magisterial District line to the southwest corner of Census Block 4004, a corner to the Herald Precinct; thence continuing southwesterly with the Herald Precinct southwesterly with the southeastern boundary of Census Block 5013 to the eastern corner of Census Block 4016 at State Route 644; thence continuing southwesterly with the southern boundary of Census Blocks 4016 and 5049 to the northern corner of Census Block 4043; thence with the eastern boundary of Census Blocks 4043, 5055, 5049, and 5056 to the northeast corner of Census Block 5070; thence with the northern boundary of Census Block 5070 and the western boundary of Census Block 5053 to the southeast corner of Census Block 5070; thence with the western boundary of Census Blocks 4036, 4038, and 4039 to the northwestern corner of Census Block 4041; thence with the western boundary of Census Blocks 4041, 4067, 4055, 4056, 4058, and 4059 to the Dickenson-Wise County line; thence northwesterly with the Dickenson-Wise County line to the point of BEGINNING

Longs Fork Precinct

BEGINNING at the intersection of State Route 83, Dickenson HWY and the Dickenson -Wise County line and a corner of the Clintwood-Kenady Magisterial Districts; thence southeasterly with the Dickenson -Wise County line to the northwestern corner of Census Block 5041 at State Route 72, Coeburn RD on the south side of the CSX Railroad; thence northeasterly generally following the CSX railroad and Cranesnest River and with southern boundary of Census Blocks 5041 and 5033 to the southeast corner of Census Block 3050 at the State Route 637 bridge over Cranesnest River, thence continuing with the eastern boundary of Census Blocks 3050 and 3051 to State Route 649 and the Clintwood-Kenady Magisterial District line; thence northeasterly with the

Clintwood-Kenady Magisterial District line and State Route 649 approximately 0.3 miles to the corner of the Clintwood and Kenady Magisterial Districts; thence leaving State Route 649 and westerly with the Clintwood-Kenady Magisterial District line generally following the American Electric Power transmission line to State Route 72, Coeburn RD; thence continuing with the Clintwood-Kenady Magisterial District line with the center of State Routes 72, Coeburn RD and 621 to the American Electric Power transmission line; thence generally with the American Electric Power transmission line to State Route 83, Dickenson HWY; thence with the center of State Route 83, Dickenson HWY to the point of BEGINNING.

ELECTION DISTRICT IV

Haysi Precinct

BEGINNING on the Virginia-Kentucky state line at the northern corner of Census Block 2089, a corner of the Sandlick and Willis Magisterial Districts; thence northeasterly with the Virginia-Kentucky state line to its intersection with the Dickenson-Buchanan County line; thence with the Dickenson-Buchanan County line to the northeast corner of Census Block 3008 near the American Electric Power transmission line, a corner to the Colley Precinct; thence westerly with the Colley Precinct and with the northern boundary of Census Blocks 3008, 3009, 3012 and 3027 generally following the American Electric Power transmission line to the center of State Route 80, Sandlick RD near its intersection with State Route 9697 at Haysi High School; thence northwesterly with the northeastern boundary of Census Block 3026 to the northeast corner of Census Block 3060 opposite Haysi High School; thence westerly with the northern boundaries of Census Blocks 3060, 3059, 3056, 3047 and 3044 to the northwest corner of Census Block

3044 near an American Electric Power transmission line; thence southwesterly with the western boundary of Census Blocks 3044, 3043, 3046, 3049, 3050, 3073, and 3072 to the Ervinton-Kenady Magisterial District line at the center of State Route 607, Road BR; thence northwesterly with the Ervinton-Sandlick Magisterial District line and the center of State Route 607 to State Route 83, Dickenson HWY; thence continuing northeasterly with the Ervinton-Sandlick Magisterial District line and the center of State Route 83 near the American Electric Power transmission line; thence leaving State Route 83 and continuing with the Ervinton-Sandlick Magisterial District line and generally following the American Electric Power transmission line to the southwest corner of Census Block 1017; thence leaving the American Electric Power transmission line and with the southern and eastern boundary of Census Block 1017 to Loop CIR; thence with the center of Loop CIR approximately 400 feet to State Route 63, a corner of the Ervinton-Sandlick-Willis Magisterial Districts; thence northeasterly with the center of State Route 63 and the Sandlick-Willis Magisterial District line to the intersection of State Route 614; thence continuing northwesterly with the center of State Routes 614 and 739 to a point near the center of the John Flannagan Dam embankment; thence continuing northeasterly with the Sandlick-Willis Magisterial District line to the point of BEGINNING.

Colley Precinct

BEGINNING at the northeast corner of Census Block 3008 on the Dickenson-Buchanan County line near the American Electric Power transmission line; thence westerly with the northern boundary of Census Blocks 3008, 3009, 3012 and 3027 generally following the American Electric Power transmission line to the center of State Route 80, Sandlick RD near its intersection with State Route 9697 at Haysi High School;

thence northwesterly with the northeastern boundary of Census Block 3026 to the northeast corner of Census Block 3060 opposite Haysi High School; thence westerly with the northern boundaries of Census Blocks 3060, 3059, 3056, 3047 and 3044 to the northwest corner of Census Block 3044 near an American Electric Power transmission line; thence southwesterly with the western boundary of Census Blocks 3044, 3043, 3046, 3049, 3050, and 3073 to the Ervinton Magisterial District line

at the southern corner of Census Block 3041 near the American Electric Power transmission line and Emory DR on State Route 668; thence southeasterly with the center of State Route 668 to the intersection of State Routes 668, Backbone RDG and 652, Backbone RDG / Dollys House LN; thence continuing with State Route 652, Backbone RDG to the northeastern corner of Census Block 3055 near the American Electric Power transmission line; thence generally following the American Electric Power transmission line and with the northeastern boundary of Census Block 3055 to State Route 607, Crooked BR to the northeast corner of Census Block 4066 near the American Electric Power transmission line; thence generally following the American Electric Power transmission line to State Route 670; thence southerly with the center of State Route 670 to its intersection with State Route 671; thence southeasterly with the center of State Route 671 to the American Electric Power transmission line; thence generally following the American Electric Power transmission line to State Route 625; thence with the center of State Route 625 to the intersection of State Route 80, Sandlick RD; thence continuing southeasterly with the Ervinton-Sandlick Magisterial District line and the center of State Route 80, Sandlick RD to the Dickenson-Buchanan County line; thence northwesterly with the Dickenson-Buchanan County line to the point of BEGINNING.

ELECTION DISTRICT V

North Clintwood Precinct

BEGINNING at the northwest corner of Census Block 1016 on the Virginia-Kentucky State line on the headwaters of Bearpen Branch; thence northeasterly with the Virginia-Kentucky State line to the northeast corner of Census Block 1016, a corner to the Artrip Precinct; thence leaving the Virginia-Kentucky State line with the Artrip Precinct and with the eastern boundary of Census Blocks 1016 and 1015 to the northeast corner of Census Block 1011 at State Route 611; thence continuing with the eastern boundary of Census Block 1011, generally following Cane Creek to its confluence with John Flannagan Reservoir; thence continuing with the southern boundary of Census Block 1011 generally with the John Flannagan Reservoir and Pound River to the northwest corner of Census Block 1068; thence with the eastern boundary of Census Block 1068 to a point in the northern boundary of Census Block 1029; thence continuing with the western boundary of Census Block 1029 and the southern boundary of Census Block 1056 to the Clintwood-Willis Magisterial District line on State Route 689 near Hot Dog Trail; thence leaving the Artrip Precinct southerly with the Clintwood-Willis Magisterial District line and the center of State Route 689, Jerrys BR to State Route 607, The Lake RD; thence continuing with the Clintwood-Willis Magisterial District line and the center of State Route 607, Clintwood Main ST in a southwesterly direction to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing with the Clintwood-Willis Magisterial District line and the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW; thence northerly with the Clintwood-Willis Magisterial District line and the

center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence northwesterly with the center of State Route 631, Brush Creek RD to the intersection of State Route 622, Cutter CRK; thence continuing with the Clintwood-Willis Magisterial District line along State Route 622, Cutter CRK to its end; thence continuing with the southern boundary of Census Block 1019 to a point at State Route 620; thence continuing with the Clintwood-Willis Magisterial District line and the eastern boundary of Census Block 1019 to the point of BEGINNING.

Tarpon Precinct

BEGINNING at the northwest corner of Census Block 1000 on the Virginia-Kentucky State line, a corner to the Artrip Precinct; thence northeasterly with the Virginia-Kentucky State line to the northeast corner of Census Block 2089 and the corner of the Sandlick-Willis Magisterial Districts; thence southeasterly with the Sandlick-Willis Magisterial District line generally up Russell Fork River to its corner near the confluence of Pound River and Russell Fork River; thence westerly generally following Pound River to a point at the center of State Route 731 near the center of the John Flannagan Dam embankment; thence continuing with the Sandlick-Willis Magisterial District line and the center of State Routes 739 and 614 to the intersection of State Route 63; thence continuing southerly with the Sandlick-Willis Magisterial District line and the center of State Route 63 to the corner of the Ervinton, Sandlick, and Willis Districts at Loop CIR; thence continuing in a southeasterly direction with the Ervinton-Willis Magisterial District line and the center of State Route 63 to the intersection of State Route 637; thence with the center of State Route 637 to the corner of the Clintwood, Ervinton, and Willis Districts at the Cranesnest River Campground Road; thence leaving the Ervinton-

Sandlick Magisterial District line northwesterly with the Clintwood-Willis Magisterial District line generally following the Cranesnest River Campground Road to a point in the southern boundary of Census Block 1014 at the southwest corner of Census Block 1000, a corner to the Artrip Precinct; thence with the Artrip Precinct and continuing generally down Cranesnest River and John Flannagan Reservoir with the southern boundary of Census Block 1014 to the southwest corner of Census Block 1005; thence with the northwest boundary of Census Blocks 1005 and 1001 to the northern corner of Census Block 1001 and on the western boundary of Census Block 1009; thence continuing northwesterly with the western boundary of Census Block 1009 to its northeast corner being on the eastern boundary of Census Block 2002; thence continuing with the eastern boundary of Census Block 2002 to the southeast corner of Census Block 1052 at the State Route 614 bridge; thence continuing with the eastern boundary of Census Block 1052 to its northeast corner on the southern boundary of Census Block 1036; thence northeasterly with the southern boundary of Census Blocks 1036 and 1054 to the southeast corner of Census Block 1042; thence with the eastern boundary line of Census Block 1042 to its northeast corner near State Route 683; thence generally following State Route 683 and with the eastern boundary of Census Blocks 1033, 1035 and 1045 to the southeast corner of Census Block 1038 at State Route 683; thence following the western boundary of Census Block 1038 to the southwest corner of Census Block 1008 at State Route 683; thence following the eastern boundary of Census Block 1008 to the southwest corner of Census Block 1000 at State Route 611; thence following the western boundary of Census Block 1000 to the point of BEGINNING.

Artrip Precinct

BEGINNING on the Virginia-Kentucky state line at the northeast corner of Census Block 1016, a corner to the North Clintwood Precinct; thence leaving the Virginia-Kentucky State line and with the North Clintwood Precinct and with the eastern boundary of Census Blocks 1016 and 1015 to the northeast corner of Census Block 1011 at State Route 611; thence continuing with the eastern boundary of Census Block 1011, generally following Cane Creek to its confluence with John Flannagan Reservoir; thence continuing with the southern boundary of Census Block 1011 generally with the John Flannagan Reservoir and Pound River to the northwest corner of Census Block 1068; thence with the eastern boundary of Census Block 1068 to a point in the northern boundary of Census Block 1029; thence continuing with the western boundary of Census Block 1029 and the southern boundary of Census Block 1056 to the Clintwood-Willis Magisterial District line on State Route 689, Jerrys BR near Hot Dog Trail; thence southeasterly leaving the North Clintwood Precinct and with the Clintwood-Willis Magisterial District line and the center of State Route 689, Jerrys BR to the intersection of State Routes 689, Jerrys BR, 704, Wolfe Pen RD and 607, The Lake RD; thence continuing northeasterly with the center of State Route 607, The Lake RD to the northern corner of Census Block 2006 at the intersection of State Routes 619, Skeetrock RD, 607, The Lake RD and 700, Big Smith Ridge RD; thence leaving State Route 607, The Lake RD and continuing southeasterly with the Clintwood-Willis Magisterial District line to the southwest corner of Census Block 1014 at the Cranesnest Boat Ramp; thence with the southern boundary of Census Block 1014 to the southwest corner of Census Block 1000 at the Cranesnest River Campground Road, a corner to the Tarpon Precinct; thence with the Tarpon Precinct and continuing generally down Cranesnest River and John Flannagan

Reservoir with the southern boundary of Census Block 1014 to the southwest corner of Census Block 1005; thence with the northwest boundary of Census Blocks 1005 and 1001 to the northern corner of Census Block 1001 and on the western boundary of Census Block 1009; thence continuing northwesterly with the western boundary of Census Block 1009 to its northeast corner being on the eastern boundary of Census Block 2002; thence continuing with the eastern boundary of Census Block 2002 to the southeast corner of Census Block 1052 at the State Route 614 bridge; thence continuing with the eastern boundary of Census Block 1052 to its northeast corner on the southern boundary of Census Block 1036; thence northeasterly with the southern boundary of Census Blocks 1036 and 1054 to the southeast corner of Census Block 1042; thence with the eastern boundary line of Census Block 1042 to its northeast corner near State Route 683; thence generally following State Route 683 and with the eastern boundary of Census Blocks 1033, 1035 and 1045 to the southeast corner of Census Block 1038 at State Route 683; thence following the western boundary of Census Block 1038 to the southwest corner of Census Block 1008 at State Route 683; thence following the eastern boundary of Census Block 1008 to the southwest corner of Census Block 1000 at State Route 611; thence following the western boundary of Census Block 1000 to its northwest corner at the Virginia-Kentucky State line, a corner to the Tarpon Precinct; thence leaving the Tarpon Precinct and continuing southwesterly with the Virginia-Kentucky State line to the point of BEGINNING.

SECTION 4. DISTRICT SUPERVISORS.

There shall be one (1) supervisor elected from each election district created by this Ordinance.

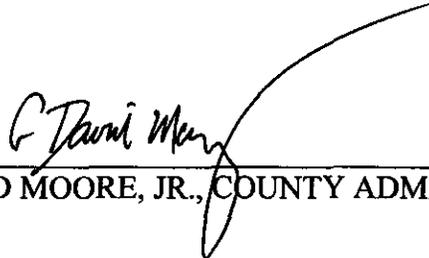
constitutionality of the remaining sections, clauses, sentences, phrases or words and shall remain in full force and effect.

ADOPTED this the 20TH day of APRIL, 2011.



ROGER STANLEY, CHAIRMAN

ATTEST:



G. DAVID MOORE, JR., COUNTY ADMINISTRATOR

**DICKENSON COUNTY EMERGENCY MEDICAL SERVICES REVENUE
RECOVERY ORDINANCE**

WHEREAS, § 32.1-111.14 of the Code of Virginia (1950), as amended, authorizes localities to charge reasonable fees for emergency medical services vehicle transports in order to assure the provision of adequate and continuing emergency medical services and to preserve, protect and promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of Dickenson County:

Section 1. Purpose.

Pursuant to § 32.1-111.14, it is hereby determined that the powers set forth herein must be exercised in order to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

Section 2. Cost Reimbursement for Ambulance Service.

Reasonable fees shall be charged for emergency medical transport services provided by emergency medical services vehicles operated by any volunteer party or private agency authorized to do so by law. The revenue recovery program is intended to pursue reimbursement for EMS emergency ambulance transports by recovering funds that may already be designated for the purpose. In no event shall a person be denied transport for emergency medical services due to his or her inability to pay.

Section 3. Fees.

Fees for emergency medical transport services shall be established by Resolution of the Board of Supervisors.

This Ordinance shall become effective on and after 12:01 a.m. on APRIL 27TH, 2011.

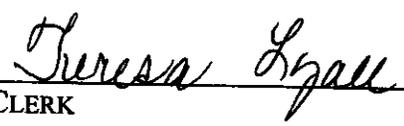


ROGER STANLEY, CHAIRMAN

APRIL 27, 2011

DATE

ATTEST:



CLERK

AN ORDINANCE TO PERMIT REIMBURSEMENT TO DICKENSON COUNTY FOR THE REASONABLE COSTS OF RESPONSE BY LAW ENFORCEMENT, FIREFIGHTING, RESCUE AND EMERGENCY SERVICES IN CASES INVOLVING CRIMINAL VIOLATIONS

WHEREAS, the General Assembly has authorized localities by ordinance to recover the costs of first responders, including the sheriff's office of the locality, for reasonable expenses incurred when providing an appropriate emergency response to any accident or incident involving specified violations of the law, pursuant to § 15.2-1716 of the Code of Virginia (1950), as amended;

WHEREAS, the General Assembly has also authorized localities by ordinance to recover the costs of first responders, including the sheriff's office of the locality, for reasonable expenses incurred when providing an appropriate emergency response to any terrorism hoax incident, pursuant to § 15.2-1716.1 of the Code of Virginia (1950), as amended; and

WHEREAS, upon mature consideration, the Board has determined the advisability to enact this legislation, which will inure to the benefit of the taxpayers of Dickenson County, Virginia.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF SUPERVISORS OF DICKENSON COUNTY, VIRGINIA, as follows:

1. Pursuant to § 15.2-1716 of the Code of Virginia (1950), as amended, that any person convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing to the County or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency services, including by the sheriff's office of Dickenson County, Virginia, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation:

A. The provisions of §§ 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

B. The provisions of Article 7 (§46.2-852 *et seq.*) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

C. The provisions of Article 1 (§ 46.2-300 *et seq.*) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and

D. The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

2. Personal liability under the foregoing paragraph for reasonable expenses of an appropriate emergency response shall not exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in Dickenson County. In determining "reasonable expenses," the County may bill a flat fee of \$350.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law-enforcement, fire-fighting, rescue and emergency medical services. The provisions of this paragraph shall not preempt or limit any remedy available to the Commonwealth, to the County or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

3. Pursuant to § 15.2-1716.1 of the Code of Virginia (1950), as amended, that any person convicted of a violation of subsections B or C of § 18.2-46.6, when his or her violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing to the County or to any responding volunteer fire or rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in Dickenson County. In determining "reasonable expenses," the County may bill a flat fee of \$250.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law-enforcement, fire-fighting, rescue and emergency medical services. The provisions of this paragraph shall not preempt or limit any remedy available to the Commonwealth, to the County or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an incident not involving a terrorist hoax as set forth herein.

4. This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.



ROGER STANLEY, CHAIRMAN

APRIL 27, 2011
DATE

ATTEST:



DICKENSON COUNTY ADMINISTRATOR

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 61 to 67

3. Date filmed

August 24, 2011

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

DICKENSON COUNTY RETURNED CHECK FEE ORDINANCE

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and a public hearing held on JUNE 28TH, 2011, finds it appropriate to adopt an ordinance imposing a fee on all returned checks made payable to Dickenson County, pursuant to § 15.2-106 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Dickenson County Board of Supervisors, as follows:

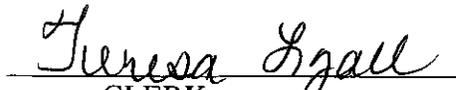
1. Any officer or employee of Dickenson County who receives in an official capacity funds for deposit to or credit of any fund or money maintained by the County shall be authorized to levy and collect a fee for the uttering, publishing or passing of any check or draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed or because such check, draft or order was returned because of a stop-payment order was placed in bad faith on the check, draft or order by the drawer.
2. The amount of the fee shall be Fifty Dollars (\$50.00).
3. This Ordinance shall become effective on July 1, 2011.

IN WITNESS WHEREOF, this ordinance adopted this 28TH day of JUNE, 2011 by the Dickenson County Board of Supervisors in regular session by a vote of 5 for and 0 votes against.



ROGER STANLEY, CHAIRMAN

ATTEST:



CLERK

Dickenson County Board of Supervisors

BOARD OF SUPERVISORS

ROGER STANLEY, CHAIRMAN
WILLIS DISTRICT

DELANO SYKES, VICE-CHAIRMAN
SANDLICK DISTRICT

TEDDY BAILEY
ERVINTON DISTRICT

SHELBY WILLIS
KENADY DISTRICT

DONNIE W. RIFE
CLINTWOOD DISTRICT



COUNTY ADMINISTRATOR
G. DAVID MOORE, JR.

P.O. Box 1098
Clintwood, Virginia 24228
Telephone: 276/926-1676
Fax: 276/926-1649
david.moore@bos.dcwin.org

DICKENSON COUNTY BOARD OF SUPERVISORS' SALARY ORDINANCE

WHEREAS, the Dickenson County Board of Supervisors, after due consideration and a public hearing held on June 28, 2011 finds it appropriate to adopt a salary ordinance for compensation of the Dickenson County Board of Supervisors as defined herein and pursuant to the charter of the county of Dickenson and Section 15.2-1414.1 *et seq.*, of the Code of Virginia of 1950, as amended.

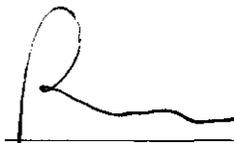
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of Dickenson County:

1.1 RATE OF COMPENSATION. The rate of compensation for the Dickenson County Board of Supervisors shall be \$5,500 annually. This amount may be automatically adjusted annually based upon the consumer price index for inflation. However, the annual inflation adjustment shall not exceed 5% annually. The Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,800 annually. The Vice-Chairman of the Dickenson County Board of Supervisors shall receive an additional \$1,200 annually.

2.1 FRINGE BENEFITS. The members of the Dickenson County Board of Supervisors shall receive any and all fringe benefits in the same manner and form as such benefits are provided for county employees.

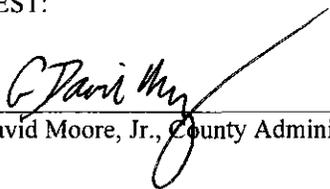
3.1 VALIDITY. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

4.1 EFFECTIVE DATE. This Ordinance shall become effective on and after 12:01 a.m. on July 1, 2011 and remain in effect until June 30, 2012.



Roger Stanley, Chairman

ATTEST:



G. David Moore, Jr., County Administrator

Sec. A. Authority to declare water emergencies.

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of Dickenson County may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Southwest Virginia Regional Water Supply Plan, which is incorporated herein by reference.

The County Administrator or their designee is authorized to declare a water emergency in the county restricting the use of water in any area of the county. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the County Administrator or their designee may declare any of the three stages; they do not have to be declared sequentially.

Sec. B. Publication of declaration.

Upon the declaration of a water emergency, County Administrator or their designee shall immediately post a written notice of the emergency at the front door of the Court House and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

Sec. C. Water use considerations.

Upon the declaration of a water shortage or emergency, the County Administrator or their designee is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth hereof, the County Administrator or their designee shall give due consideration to stream flow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the county; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

Sec. D. Limitation of restrictions.

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the County Administrator or their designee, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or

industry aggrieved by the finding of the County Administrator or their designee may appeal that decision to the County Board of Supervisors.

Sec. E. Water conservation measures.

Upon a determination by the County Administrator or their designee of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to all water users in the county:

(a) Drought Watch: When moderate but limited supplies of water are available and a drought watch is declared in accordance with the Southwest Virginia Regional Water Supply Plan, the County Administrator or their designee shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify and of potential water conservation activities that may be utilized.

(b) Drought Warning: The drought warning stage includes voluntary water conservation actions due to the imminent onset of a significant drought event. Customers will be asked to reduce outdoor water use by only using water before 10 a.m. and after 7 p.m. and by:

- ◆ Reducing turf watering;
- ◆ Using a broom, not the hose, to clean driveways and sidewalks;
- ◆ Reducing vehicle washing;
- ◆ Using bucket watering instead of hose watering when possible; and
- ◆ Turning off ornamental fountains.

Customers will be asked to reduce indoor water use by:

- ◆ Identifying and repairing leaks;
- ◆ Turning off the water while shaving, brushing teeth, etc;
- ◆ Reducing shower time to five minutes or taking baths with less water;
- ◆ Only using the clothes washer and dishwasher machines when there are full loads;
- ◆ Storing water in the refrigerator instead of running it to get it cold; and
- ◆ Installing water-saver devices in the home, such as low-flow toilets and shower heads.

(c) Drought Emergency: As drought conditions continue to worsen, a drought emergency may be declared by the County Administrator or their designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:

- ◆ All public water uses not required for health or safety will be prohibited;
- ◆ Watering outdoor vegetation will be prohibited, except from a watering can or other container not exceeding three-gallons in capacity or with recycled water. Any person

regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;

- ◆ Washing vehicles except from a bucket or other container not exceeding three-gallons in capacity or with recycled water will be prohibited;
- ◆ Washing driveways, sidewalks, exteriors of homes or other outdoor surfaces will be prohibited; however, any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes as long as the amount of water being used is minimized;
- ◆ The operation of any ornamental fountain or similar structure using water will be prohibited;
- ◆ The filling or refilling of swimming pools or wading pools will be prohibited;
- ◆ Restaurants and similar establishments will be prohibited from serving water unless specifically requested by the customer; and
- ◆ Fire hydrant use will only be permitted for fire protection.

Sec. F. Penalty and enforcement.

(a) Any person who violates any provision of the drought warning stage may be subject to the following civil penalties:

- (1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the county.
- (2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
- (3) For the third offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.
- (4) For each subsequent offense, violators will be subject to water service termination and reconnection fees.
- (5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(b) Any person who violates any provision of the drought emergency stage may be subject to the following penalties:

- (1) Residential customers who exceed the greater of 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be charged two-times the rate.

(2) Residential customers who continue to use more than 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be subject to water service termination and reconnection fees.

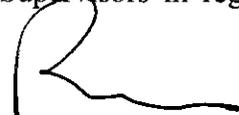
(c) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator within ten (10) days of the date of the assessment of the penalty. The County Administrator or their designee shall determine that the penalty was properly assessed and notify the complaining person in writing of their determination.

(d) The County Administrator or their designee may waive the penalty if they determine that the violation occurred due to no fault of the person.

Sec. G. Notification of end of water emergency.

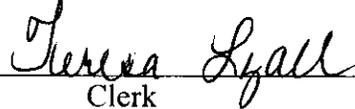
The County Administrator or their designee shall notify the County Board of Supervisors when, in their opinion, the water emergency situation no longer exists. Upon concurrence of the County Board of Supervisors the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

IN WITNESS WHEREOF, this ordinance adopted this 28TH day of JUNE,
2011 by the Dickenson County Board of Supervisors in regular session by a vote of
5 for and 0 votes against.



ROGER STANLEY, CHAIRMAN

ATTEST:



Clerk

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 68 to 69

3. Date filmed

September 27, 2011

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

ORDINANCE ESTABLISHING LAWFUL FENCES

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Dickenson County, Virginia as follows:

1. Pursuant to the provisions of § 55-310 of the Code of Virginia (1950), as amended, the Dickenson County Board of Supervisors hereby declares that all fences and the boundary lines of each lot or tract of land shall be lawful fences as to any and all livestock domesticated by man.

2. Should any part or provision of this Ordinance be found to be invalid due to conflict with federal or state law or regulation, or found to be otherwise invalid by any court of competent jurisdiction, such invalidity shall in no way affect any other provision of this Ordinance, and the invalid portion of such Ordinance shall be deemed to be deleted herefrom without affecting any other provision of this Ordinance.

4. Pursuant to § 15.2-1218 of the Code of Virginia (1950), as amended, it shall be unlawful for domesticated livestock to run at large upon the public highway, whether such highways are enclosed by a fence or not.

3. This Ordinance shall supersede and take the place of the Ordinance to Make it Unlawful for Domesticated Livestock to Run at Large, and any conflicting ordinances, as previously adopted. All ordinances and portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Adopted this the 26TH day of JULY, 2011.



ROGER STANLEY, CHAIRMAN

ATTEST:



Clerk

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 70 to 100

3. Date filmed

December 2, 2011

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF COUNTY
ELECTION DISTRICT AND PRECINCTS AND TO ESTABLISH POLLING
PLACES WITHIN SUCH PRECINCTS**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Dickenson County, Virginia:

SECTION 1. AUTHORITY.

Pursuant to Article VII, Section 5 of the Constitution of Virginia, and Sections 15.2-1211 and 24.2-304.1 *et seq.* of the Code of Virginia (1950), as amended, the Election Districts, their respective Precincts and Polling Places for Dickenson County, Virginia, and hereby created and established as set forth in this Ordinance.

SECTION 2. ELECTION DISTRICTS.

The election districts for Dickenson County with their respective populations are set forth below:

<u>Election District</u>	<u>Population</u>
District I (Clintwood)	3,157
District II (Ervinton)	3,030
District III (Kenady)	3,273
District IV (Sandlick)	3,338
District V (Willis)	3,106

SECTION 2(A). BOUNDARIES.

The boundaries of the respective election districts are as set forth below:

ELECTION DISTRICT I

CLINTWOOD DISTRICT

Election District I shall consist of Census Block numbers 1012, 1015-1032, 1073-1075, 1102, 1106-1116, 1118-1132, 1137-1138, 1142, 2006- 2007, 2010-2057, 3000-3043, 3046, 3048-3081, 3086, 4000-4004, 4009, 4011, 5000-5009, 5018, 5020-5021 of the 2010 United States Census of Population, and is described as one boundary as follows:

BEGINNING at the center of State Route 83, Dickenson HWY at its intersection with the Dickenson-Wise County line, a corner to the Clintwood and Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83, Dickenson HWY in an easterly direction to the southwest corner of Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621, Browning HOLW; thence southerly with the center of State Route 621 to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK, approximately 0.7 miles to the southwestern corner of Census Block 1138; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Blocks 1138, 1128, 1137

and 1135 to the western corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence continuing easterly with the center of State Route 637, DC Caney Ridge RD to the southwestern corner of Census Block 5009; thence leaving State Route 637, DC Caney Ridge RD and with the southern boundary of Census Block 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Kenady Magisterial District line and turning northerly with the Clintwood-Ervinton Magisterial District line generally down Caney Creek continuing with the eastern boundary of Census Block 5009, and the southern boundary of Census Blocks 5020, 5018, 5019, and 4001 to the northeast corner of Census Block 4001 near the mouth of Caney Creek; thence continuing in a northwesterly direction generally following the CSX Railroad and with the eastern boundary of Census Blocks 4001, 5008, and 5064, and the western boundary of Census Block 1101 to northwest corner of Census Block 1101 at the State Route 83 bridge at Fremont, Virginia; thence with the center of State Route 83, Dickenson HWY in a westerly direction to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to the northeast corner of Census Block 1013; thence with the eastern and southern boundary of Census Block 1013 to the southwestern corner of Census Block 1014 at the Cranesnest Boat Ramp; thence

continuing northwesterly with the western boundary of Census Blocks 1014 and 2008 and with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The Lake RD; 619, Skeetrock RD; and 700, Big Smith Ridge RD; thence continuing southwestwardly with the center of State Route 607, The Lake RD to the intersection of State Routes 607, The Lake RD, 689, Jerrys BR, and 704, Wolfe Pen RD; thence continuing with the center of State Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwestwardly direction with the center of State Route 607, The Lake RD / Clintwood Main ST, to the eastern corner of Census Block 2029 near the Dickenson County Courthouse; thence continuing with the southern boundary of Census Blocks 2029, 2027, and 2033 to the intersection of State Route 83, Dickenson HWY, near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY, to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK, to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the Virginia-Kentucky State line; thence leaving the Clintwood-Willis Magisterial District line and continuing southwestwardly with the Virginia-Kentucky State line to the Dickenson-Wise County line; thence southerly with the Dickenson-Wise County line to the point of BEGINNING.

ELECTION DISTRICT II

ERVINTON DISTRICT

Election District II shall consist of parts of Census Block numbers 1000-1100, 1103-1105, 1143, 2000-2002, 2009, 2076, 2078-2095, 2108-2123, 2131-2136, 3003-3004, 3006, 3009-3012, 3016, 3018-3042, 3044, 3045, 3051-3104, 3106-3107, 3111, 3113-3118, 3120-3127, 3130-3133, 3136-3138, 4000, 4002-4004, 4007-4012, 4023-4025, 4032-4033, 4067, 4076-4078, 4084, 5066 -5068 of the 2010 Census of Population, and its described in one boundary as follows:

BEGINNING at the southwest corner of Census Block 2112 near the intersection of State Routes 626, Phillips HOLW and 694, Trammel Gap MTN on the Dickenson-Russell County line; thence with the Dickenson-Russell County line in a northeasterly direction to the common corner of Dickenson, Russell, and Buchanan Counties; thence with the Dickenson-Buchanan County line to the center of State Route 80, Sandlick RD, a common corner with the Sandlick Magisterial District; thence northwesterly with the center of State Route 80, Sandlick RD to its intersection with State Route 625, Frying Pan RD; thence in a southwesterly direction with the center of State Route 625, Frying Pan RD to the northeast corner of Census Block 3003 near the American Electric Power transmission line; thence with the northern boundary of Census Blocks 3003 and 3010 generally following the American Electric Power transmission line to State Route 671, Rock Lick RD; thence westerly with the center of State Route 671, Rock Lick RD to the intersection of State Route 679, Nancy HOLW; then continuing northwesterly with the center of State Route 671, Rock Lick RD to the intersection of State Route 670, Lick Creek RD; thence northerly with the center of State Route 670, Lick Creek RD to the

southern corner of Census Block 4073 near the American Electric Power transmission line; thence northwesterly generally following the American Electric Power transmission line and with the northern boundary of Census Blocks 4078, 4077, 4076 to the northeast corner of Census Block 4070 at State Route 669, Edwards RDG; thence westerly with the center of State Route 669, Edwards RDG, approximately 100 feet to the southeast corner of Census Block 4070; thence northwesterly with the northeastern boundary of Census Block 4071 to State Route 820, Russ Edwards RD; thence northeasterly with State Route 820, Russ Edwards RD, approximately 100 feet to the common corner of Census Blocks 4070 and 4064; thence northwesterly with the eastern boundary of Census Blocks 4067 and 4066 to State Route 607, Crooked BR; thence continuing with the eastern boundary of Census Block 3055 and generally following the American Electric Power transmission line to State route 652, Backbone RDG; thence westerly with the center of State Route 652 to the intersection of State Routes 668, Backbone RDG and 652, Dollys House LN; thence continuing northwesterly with the center of State Route 668, Backbone RDG to the southern corner of Census Block 3041 near Emory DR and the American Electric Power transmission line; thence northeasterly with the southern boundary of Census Block 3041 to the northeastern corner of Census Block 3041 near the intersection of another American Electric Power transmission line; thence continuing with the northeast boundary of Census Blocks 3041, 3038, 3039, 1062, 1034, 1033 and generally the second American Electric Power transmission line to the southern corner of Census Block 1017 on the north side of CSX Railroad; thence with the southern boundary of Census Block 1017 to the southern corner of Census Block 1018; thence leaving CSX Railroad and continuing with the northern boundary of Census Block 1017

to Loop CIR; thence northerly with the center of Loop CIR to State Route 63, Big Ridge RD, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Ervinton-Sandlick Magisterial District line and with the Ervinton-Willis Magisterial District line in a southwesterly direction with the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence southwesterly with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Ervinton-Willis Magisterial District line and continuing with the Clintwood-Ervinton Magisterial District line and the center of State Route 637, Rose RDG to the intersection of State Route 83, Dickenson HWY; thence easterly with the center of State Route 83, Dickenson HWY to the northwest corner of Census Block 1101 at the State Route 83 bridge at Fremont, Virginia; thence following the western boundary of Census Block 1101 and the eastern boundary of Census Blocks 5064, 5008, and 4001 generally following the McClure River and CSX Railroad to the northeast corner of Census Block 4001 at the mouth of Caney Creek; thence generally up Caney Creek in a southerly direction with the eastern boundary of Census Blocks 4001, 5019, 5018, and the southern boundary of Census Block 5020 and the eastern boundary of Census Block 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and continuing with the Ervinton-Kenady Magisterial District line and the eastern boundary of Census Block 5013 and northeastern boundary of Census Block 4013 to State Route 643, Carter Stanley HWY; thence southerly approximately 2.15 miles with the center of State Route 643,

Carter Stanley HWY, to the intersection of State Route 654, Smith RDG; thence northeasterly with the center of State Route 654, Smith RDG, approximately 2.25 miles to the northwest corner of Census Block 4048; thence with the northern boundary of Census Block 4048 to the southwestern corner of Census Block 4025 near the CSX railroad; thence southeasterly with the southwestern boundary of Census Blocks 4023, 4033, and 4032 generally following the CSX railroad to the southeast corner of Census Block 4032 at the railroad bridge on State Route 652, Doctor Ralph Stanley HWY; thence with the center of State Route 652, Doctor Ralph Stanley HWY in a southerly direction to the intersection of State Route 651, Brushy Ridge RD; thence with the center of State Route 651, Brushy Ridge RD, to the intersection of State Route 627, Long RDG; thence southeasterly with the center of State Route 627, Long RDG to the intersection of State Route 650, Sandy Ridge RD; thence continuing southeasterly with the center of State Route 627, Sandy Ridge RD, approximately 0.6 miles to the southwestern corner of Census Block 2076; thence northeasterly with the southern boundary of Census Block 2076 to the Dickenson-Russell county line; thence with the Dickenson-Russell county line to the point of the BEGINNING.

ELECTION DISTRICT III

KENADY DISTRICT

Election District III shall consist of parts of Census Block numbers 1134, 2003-2008, 2010-2048, 2051, 2055-2064, 2066-2075, 2077, 2096-2107, 2124-2126, 2128, 2130, 2137, 3044-3045, 3047-3051, 3055-3062, 4005-4008, 4010, 4012-4024, 4026-4072, 5010-5017, 5022-5045, 5047-5060, 5062-5063, 5070 of the 2010 Census of Population and is described in one boundary as follows:

BEGINNING at the center of State Route 83, Dickenson HWY, at its intersection with the Dickenson-Wise County line, a corner to the Clintwood and Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83, Dickenson HWY, in an easterly direction to the southwest corner of Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621; thence southerly with the center of State Route 621, Browning HOLW, to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD, to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK approximately 0.7 miles to the southwestern corner of Census Block 1138; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Block 1138, 1128, 1137, and 1135 to the western corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence continuing easterly with the center of State Route 637, DC Caney Ridge RD to the southwestern corner of Census Block 5009; thence leaving State Route 637, DC Caney Ridge RD and with the southern boundary of Census Block 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady

Magisterial Districts; thence leaving the Clintwood-Kenady Magisterial District line and continuing southerly with the Ervinton-Kenady Magisterial District line and the eastern boundary of Census Block 5013 and northeastern boundary of Census Block 4013 to State Route 643; thence southerly approximately 2.15 miles with the center of State Route 643, Carter Stanley HWY, to the intersection of State Route 654, Smith RDG; thence northeasterly with the center of State Route 654, Smith RDG, approximately 2.25 miles to the northwest corner of Census Block 4048; thence with the northern boundary of Census Block 4048 to the southwestern corner of Census Block 4025 near the CSX railroad; thence southeasterly with the southwestern boundary of Census Blocks 4023, 4033, and 4032 generally following the CSX railroad to the southeast corner of Census Block 4032 at the railroad bridge on State Route 652, Doctor Ralph Stanley HWY; thence with the center of State Route 652, Doctor Ralph Stanley HWY in a southerly direction to the intersection of State Route 651, Brushy Ridge RD; thence with the center of State Route 651, Brushy Ridge RD to the intersection of State Route 627, Long RDG; thence southeasterly with the center of State Route 627, Long RDG to the intersection of State Route 650, Sandy Ridge RD; thence continuing southeasterly with the center of State Route 627, Sandy Ridge RD approximately 0.6 miles to the southwestern corner of Census Block 2076; thence with the southern boundary of Census Block 2076 to the Dickenson-Russell county line; thence with the Dickenson-Russell county line to the corner of Dickenson, Russell, and Wise Counties; thence with Dickenson-Wise county line to the point of the BEGINNING.

ELECTION DISTRICT IV

SANDLICK DISTRICT

Election District IV shall consist of a part of Census Block numbers 1008-1020, 1036-1045, 1063-1064, 1069-1070, 2000-2011, 2013-2069, 2071-2075, 2077, 2079-2085, 2089-2090, 2093, 2109-2132, 2137-2138, 3000-3039, 3041, 3043-3054, 3056-3070, 3073, 3075-3079, 3105, 4000-4029, 4031-4032, 4034-4050, 4052, 4056-4065, 4068, 4070, 4072-4075, 4079-4083, 4085-4087 of the 2010 Census of Population, and is described in one boundary as follows:

BEGINNING at the center of State Route 80, Sandlick RD on the Dickenson-Buchanan County line; thence following the Dickenson-Buchanan County line in a northerly direction to the Virginia-Kentucky state line; thence with the Virginia-Kentucky state line to the northern corner of Census Block 2091, near the CSX railroad and Russell Fork River, a corner of the Sandlick and Willis Magisterial Districts; thence leaving the Virginia-Kentucky state line and with the Sandlick-Willis Magisterial District line and with the eastern boundaries of Census Blocks 2091, 2090, 2092, 2087, and 2086 generally following the Russell Fork River to the confluence of Russell Fork River and Pound River; thence continuing in a westerly direction with the southern and eastern boundaries of Census Blocks 2086, 2107, and 2106 to a point near the center of the John Flannagan Dam embankment and State Route 739, Flannagan Dam RD; thence southerly with the center of State Route 739, Flannagan Dam RD, to the intersection of State Route 614, Cowpath RD; thence continuing with the center of State Route 614 in an easterly direction to the intersection of State Route 63, Big Ridge RD; thence southerly with the center of State Route 63, Big Ridge RD to Loop CIR, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Sandlick-Willis Magisterial District line and continuing with the Ervinton-Sandlick Magisterial District line southeasterly

with the center of Loop CIR to the northwest corner of Census Block 1017; thence with the eastern and southern boundary of Census Block 1017 to the southwest corner of Census Block 1017 near the American Electric Power transmission line; thence generally following the American Electric Power transmission line southeasterly with the northeastern boundary of Census Blocks 1033, 1034, 1062, 3039, 3038, and 3041 to the northeast corner of Census Block 3041 near the intersection of another American Electric Power transmission line; thence continuing with the southern boundary of Census Block 3041 and generally following the second American Electric Power transmission line southwesterly to the southeast corner of Census Block 3041 near State Route 668, Backbone RDG and Emory DR; thence with the center of State Route 668, Backbone RDG to the intersection of State Route 652, Dollys House LN / Backbone RDG; thence continuing with the center of State Route 652, Backbone RDG to the northeast corner of Census Block 3055 at the American Electric Power transmission line; thence with the eastern boundary of Census Block 3055, generally following the American Electric Power transmission line to State Route 607, Crooked BR; thence continuing southeasterly generally with the American Electric Power transmission line and with the eastern boundary of Census Blocks 4066 and 4067 to the common corner of Census Blocks 4070 and 4064 at State Route 820, Russ Edwards RD; thence southwesterly with State Route 820, Russ Edwards, RD approximately 100 feet to the northwest corner of Census Block 4070; thence with the southern boundary of Census Block 4070 to State Route 669, Edwards RDG; thence with the center of State Route 669, Edwards RDG, approximately 100 feet to the northeast corner of Census Block 4070; thence southeasterly generally following the American Electric Power transmission line and with the northern boundary

of Census Blocks 4076, 4077, 4078 to the southern corner of Census Block 4073 at State Route 670, Lick Creek RD; thence southerly with the center of State Route 670, Lick Creek RD to the intersection of State Route 671, Rock Lick RD thence southeasterly with the center of State Route 671, Rock Lick RD to the corner of Census Block 3010 near the American Electric Power transmission line; thence leaving State Route 671 and generally following the American Electric Power transmission line and the northern boundary of Census Blocks 3010 and 3003 to the northeast corner of Census Block 3003 at State Route 625, Frying Pan RD; thence northeasterly with the center of State Route 625, Frying Pan RD to the intersection of State Route 80, Sandlick RD; thence with the center of State Route 80, Sandlick RD to the point of BEGINNING.

ELECTION DISTRICT V

WILLIS DISTRICT

Election District V shall consist of parts of Census Block numbers 1000-1018, 1020-1072, 1076, 2000-2028, 2030-2033, 2088-2089, 2094-2105, 2108, 2133-2136, 2139-2143, 3030-3036, 3038-3047, 3063, 3082-3085, 3087 of the 2010 Census of Population, and is described in one boundary as follows:

BEGINNING at the northwest corner of Census Block 1016 on the Virginia-Kentucky state line on the headwaters of Bearpen Branch, a corner to the Clintwood and Willis Magisterial Districts; thence northeasterly with the Virginia-Kentucky state line to the northern corner of Census Block 2091, near the CSX railroad and Russell Fork River, a corner of the Sandlick and Willis Magisterial Districts; thence leaving the Virginia-Kentucky state line and with the Sandlick-Willis Magisterial District line and with the eastern boundaries of Census Blocks 2091, 2090, 2092, 2087, and 2086 generally

following the Russell Fork River to the confluence of Russell Fork River and Pound River; thence continuing in a westerly direction with the southern and eastern boundaries of Census Blocks 2086, 2107, and 2106 to a point near the center of the John Flannagan Dam embankment and State Route 739, Flannagan Dam RD; thence southerly with the center of State Route 739, Flannagan Dam RD to the intersection of State Route 614, Cowpath RD; thence continuing with the center of State Route 614, Cowpath RD in an easterly direction to the intersection of State Route 63, Big Ridge RD; thence southerly with the center of State Route 63, Big Ridge RD, to Loop CIR, a corner to the Ervinton, Sandlick, and Willis Magisterial Districts; thence leaving the Sandlick-Willis Magisterial District line and continuing with the Ervinton-Willis Magisterial District line in a southwesterly direction with the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence southwesterly with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Ervinton-Willis Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to the northeast corner of Census Block 1013; thence with the eastern and southern boundary of Census Block 1013 to the southwestern corner of Census Block 1014 at the Cranesnest Boat Ramp; thence continuing northwesterly with the western boundary of Census Blocks 1014 and 2008 and with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The Lake RD, 619, Skeetrock RD; and 700, Big Smith Ridge RD; thence continuing southwesterly with

the center of State Route 607, The Lake RD to the intersection of State Routes 607, The Lake RD; 689, Jerrys BR; and 704, Wolfe Pen RD; thence continuing with the center of State Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwesterly direction with the center of State Route 607, The Lake RD / Clintwood Main ST to the eastern corner of Census Block 2029 near the Dickenson County Courthouse; thence continuing with the southern boundary of Census Blocks 2029, 2027, and 2033 to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the point of BEGINNING.

SECTION 2(B). PRECINCTS AND POLLING PLACES.

The election districts shall be divided into precincts with their respective polling places as set forth below:

District I (Clintwood)

<u>Name</u>	<u>Polling Place</u>
South Clintwood Precinct	Clintwood High School

District II (Ervinton)

Nora Precinct	Ervinton Elementary School
Frying Pan Precinct	Old Sulpher Springs School
Clinchco Precinct	Clinchco Elementary School

District III (Kenady)

West Dante Precinct	Brushy Ridge Community Center
Herald Precinct	Ervinton High School
Ridge Precinct	Block Building at 119 Omaha Sunset Rd
Longs Fork Precinct	Longs Fork Elementary School

District IV (Sandlick)

Colley Precinct	Sandlick Elementary School
Haysi Precinct	Haysi High School

District V (Willis)

Tarpon Precinct	Block building at 177 Mount Olive Lane
Artrip Precinct	Block Building at 5956 The Lake Road
North Clintwood Precinct	Dickenson County Courthouse

SECTION 3. BOUNDARIES OF PRECINCTS.

ELECTION DISTRICT I

South Clintwood Precinct

BEGINNING at the center of State Route 83, Dickenson HWY at its intersection with the Dickenson-Wise County line, a corner to the Clintwood-Kenady Magisterial Districts; thence with the Clintwood-Kenady Magisterial District line and with the center of State Route 83 in an easterly direction to the southwest corner of Census Block 4004 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 4004, 4002, 4003, 4009, and 4001, to the intersection with State Route 621, Browning HOLW; thence southerly with the center of State Route 621 to its intersection with State Route 72, Coeburn RD; thence in a northeasterly direction with the center of State Route 72, Coeburn RD to the southwest corner of Census Block 3046 near the intersection of the American Electric Power transmission line; thence in a southeasterly direction generally following the American Electric Power transmission line and with the southern boundaries of Census Blocks 3046, 3037, 3039, 3053, and 3000 to the intersection of State Route 649, Rush CRK; thence southerly with the center of State Route 649, Rush CRK approximately 0.5 miles to the southwestern corner of Census Block 1138; thence leaving State Route 649, Rush CRK in a southeasterly direction generally with the left fork of Rush Creek and with the southern boundary of Census Blocks 1138, 1128, 1137 and 1135 to the western corner of Census Block 5010 at State Route 637, DC Caney Ridge RD; thence easterly with the center of State Route 637, DC Caney Ridge RD to the southwestern corner of Census Block 5009; thence leaving State Route 637, DC Caney Ridge RD and with the southern boundary of Census Block 5009 to the eastern corner of Census Blocks 5011 and 5013 near Caney Creek, a corner to the Clintwood, Ervinton, and Kenady Magisterial

Districts; thence leaving the Clintwood-Kenady Magisterial District line and turning northerly with the Clintwood-Ervinton Magisterial District line and generally down Caney Creek continuing with the eastern boundary of Census Block 5009 and the southern boundary of Census Blocks 5020, 5018, 5019, and 4001 to the northeast corner of Census Block 4001 near the mouth of Caney Creek; thence continuing in a northwesterly direction generally following the CSX Railroad and with the eastern boundary of Census Blocks 4001, 5008, 5064, and the western boundary of Census Block 1101 to northwest corner of Census Block 1101 at the State Route 83, Dickenson HWY bridge at Fremont, Virginia; thence with the center of State Route 83, Dickenson HWY in a westerly direction to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637, Rose RDG to the corner of Census Blocks 1012 and 1000 at the Cranesnest River Campground Road, a corner to the Clintwood, Ervinton, and Willis Magisterial Districts; thence leaving the Clintwood-Ervinton Magisterial District line and with the Clintwood-Willis Magisterial District line in a northwesterly direction generally following the Cranesnest River Campground Road and with the southern boundary of Census Block 1000 to the northeast corner of Census Block 1013; thence with the eastern and southern boundary of Census Block 1013 to the southwestern corner of Census Block 1014 at the Cranesnest Boat Ramp; thence northwesterly with the western boundary of Census Blocks 1014 and 2008 and with the eastern boundary of Census Blocks 2012, 2011, 2010, and 2006 to the intersection of State Routes 607, The Lake RD, 619, Skeetrock RD and 700, Big Smith Ridge RD; thence continuing southwesterly with the center of State Route 607, The Lake RD to the intersection of State Routes 607, The Lake RD, 689, Jerrys BR and 704, Wolfe Pen RD; thence continuing with the center of State

Route 689, Jerrys BR to its southern intersection with State Route 607, The Lake RD; thence continuing in a southwesterly direction with the center of State Route 607, The Lake RD / Clintwood Main ST to the eastern corner of Census Block 2029 near the Dickenson County Courthouse; thence continuing with the southern boundary of Census Blocks 2029, 2027, and 2033 to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing westerly with the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW; thence turning northerly with the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence with the center of State Route 631, Brush Creek RD westerly to the intersection of State Route 622, Cutter CRK; thence with the center of State Route 622, Cutter CRK to its end and the common corner of Census Blocks 1019 and 3000; thence continuing easterly with the southern line of Census Block 1019 to the southwest corner of Census Block 1017; thence northwesterly with the eastern boundary of Census Block 1019 to the Virginia-Kentucky State line; thence southwesterly with the Virginia-Kentucky State line to the Dickenson-Wise County line; thence southerly with the Dickenson-Wise County line to the point of BEGINNING.

ELECTION DISTRICT II

Nora Precinct

BEGINNING at a point in the center of State Route 626, Phillips HOLW near the intersection of State Route 694, Trammel Gap MTN on the Dickenson-Russell County line; thence with the Dickenson-Russell County line in a northeasterly direction to its intersection with State Route 618, Rabbit RDG a corner to the Frying Pan Precinct;

thence leaving the Dickenson-Russell County line and with the Frying Pan Precinct in a westerly direction with the center of State Route 618 to the intersection of State Routes 618, Rabbit RDG, 600, Frying Pan RD / Wilder RD and 657, East Hazel Mountain RD; thence westerly with the center of State Route 657, East Hazel Mountain RD to the intersection of State Route 699, Counts RDG; thence with the center of State Route 699, Counts RDG to its end and continuing with a service road and the eastern boundary of Census Blocks 1042, and 1041 to the northeastern corner of Census Block 1041 at a service road intersection; thence leaving the service road with the northern boundary of Census Block 3024 to State Route 661, Middle of the World RD; thence northwesterly with the center of State Route 661, Middle of the World RD to the intersection of State Route 670, Aily RD; thence northerly with the center of State Route 670, Aily RD to its intersection with State Route 661, at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence with the Clinchco Precinct westerly with the center of State Route 661, Dog Branch Gap RD to the intersection of State Route 63, Dante Mountain RD; thence northerly with the center of State Route 63, Dante Mountain RD to the intersection of State Route 83, Dickenson HWY; thence westerly with the center of State Route 83, Dickenson HWY to the Clintwood-Ervinton Magisterial District line; thence southerly with the Clintwood-Ervinton Magisterial District line to the Ervinton-Kenady Magisterial District line; thence continuing with the Ervinton-Kenady Magisterial District line to the Dickenson-Russell county line; thence northeasterly with the Dickenson-Russell County line to the point of BEGINNING.

Clinchco Precinct

BEGINNING at the intersection of State Route 661 and State Route 670 at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence with the Frying Pan Precinct and the center of State Route 670 to the Ervinton-Sandlick Magisterial District line near the intersection of State Routes 670 and 671; thence following the Ervinton-Sandlick Magisterial District line northwesterly to the northeast corner of Census Block 4066 at the intersection of State Route 607, Crooked BR; thence continuing generally with the American Electric Power transmission line and the northeastern boundary of Census Block 3055 to State Route 652, Backbone RDG; thence with the center of State Route 652 to the intersection of State Routes 652, Backbone RDG / Dollys House LN and 668, Backbone RDG; thence with the center of State Route 668, Backbone RDG to the southern corner of Census Block 3041 near the American Electric Power transmission line and Emory Drive; thence northeasterly with the southern boundary of Census Block 3041 to the northeastern corner of Census Block 3041 near the intersection of another American Electric Power transmission line; thence continuing with the northeast boundary of Census Blocks 3041, 3038, 3039, 1062, 1034, 1033 and generally the second American Electric Power transmission line to the southern corner of Census Block 1017 on the north side of CSX Railroad; thence with the southern boundary of Census Block 1017 to the southern corner of Census Block 1018; thence leaving CSX Railroad and continuing with the northern boundary of Census Block 1017 to Loop CIR; thence northeasterly with the center of Loop CIR; to State Route 63, a corner of the Ervinton, Sandlick, and Willis Magisterial Districts; thence southwesterly with the Ervinton-Willis Magisterial District line and the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence with the center of

State Route 637, Rose RDG to the corner of the Clintwood, Willis and Ervinton Magisterial Districts; thence continuing with the Clintwood-Ervinton Magisterial District line to the intersection of State Route 83, Dickenson HWY; thence easterly with the center of State Route 83, Dickenson HWY to its intersection with State Route 63, Dante Mountain RD, a corner to the Nora Precinct; thence southerly with the Nora Precinct and with the center of State Route 63 to its intersection with State Route 661, Dog Branch Gap RD; thence easterly with the center of State Route 661 to the point of BEGINNING.

Frying Pan Precinct

BEGINNING at the intersection of the Dickenson-Buchanan County line and State Route 80, Sandlick RD; thence southerly with the Dickenson-Buchanan County line to the corner of Dickenson, Buchanan and Russell Counties; thence with the Dickenson-Russell County line to its intersection with State Route 618, Rabbit RDG and the Nora Precinct; thence leaving the Dickenson-Russell County line in a westerly direction with the Nora Precinct and the center of State Route 618 to the intersection of State Routes 618 Rabbit RDG, 600, Frying Pan RD / Wilder RD, and 657, East Hazel Mountain RD; thence westerly with the center of State Route 657 to the intersection of State Route 699, Counts RDG; thence northwesterly with the center of State Route 699 to its end; thence continuing with a service road and the eastern boundary of Census Blocks 1042 and 1041 to the northeastern corner of Census Block 1041 at a service road intersection; thence leaving the service road with the northern boundary of Census Block 3024 to State Route 661, Middle of the World RD; thence with the center of State Route 661, Middle of the World Road northwesterly to the intersection of State Route 670, Aily RD; thence northerly with the center of State Route 670, Aily RD to the intersection of State Routes

670 and 661, Dog Branch RD at Counts, Virginia, a corner to the Clinchco, Frying Pan, and Nora Precincts; thence northerly with the Clinchco Precinct and the center of State Route 670 to the Ervinton-Sandlick Magisterial District line near the intersection of State Route 671, Rock Lick RD; thence continuing southeasterly with the Ervinton-Sandlick Magisterial District line to the point of BEGINNING.

ELECTION DISTRICT III

West Dante Precinct

BEGINNING at the intersection of State Routes 650, Sandy Ridge RD and 627, Long RDG / Sandy Ridge RD on the Ervinton-Kenady Magisterial District line; thence southeasterly with the Ervinton-Kenady Magisterial line and the center of State Route 627, Sandy Ridge RD approximately 0.6 miles; thence leaving State Route 627 in an easterly direction and continuing with the Ervinton-Kenady Magisterial District line to the Dickenson-Russell County line; thence southwesterly with the Dickenson-Russell County line to the corner of Dickenson, Russell, and Wise Counties; thence continuing with the Dickenson-Wise County line to the northwest corner of Census Block 2064 near High Point Drive, a corner to the Herald Precinct; thence with the Herald Precinct and the western boundary of Census Block 2064, 2063, 2057, 2021, 2059, 2033, 2032, 2137, 2026, 2025, 2034, 2035, 2029 to the northern corner of Census Block 2025 at State Route State 651, Brushy Ridge RD; thence northerly with the center of State Route 651, Brushy Ridge RD to the intersection of State Route 651, Brushy Ridge RD and State Route 627, Long RDG on the Kenady-Ervinton Magisterial District line; thence with the Kenady-Ervinton Magisterial District line and the center of State Route 627, Long RDG to the point of BEGINNING.

Herald Precinct

BEGINNING on the Ervinton-Kenady Magisterial District line at the intersection of State Routes 651, Brushy Ridge RD and 627, Long RDG; thence with the Ervinton-Kenady Magisterial District line northerly to the corner of the Ervinton-Kenady Magisterial Districts near the railroad bridge at Nora; thence continuing with the Ervinton-Kenady Magisterial District line, generally with the CSX railroad, northwesterly to the northwest corner of Census Block 4048; thence leaving the CSX railroad and with the northwestern boundary of Census Block 4048 to State Route 654, Smith RDG; thence southerly with the center of State Route 654 to the intersection of State Route 643, Carter Stanley HWY; thence with the center of State Route 643 to the southeast corner of Census Block 4004; thence with the southern boundary of Census Block 4004 to a point in the boundary of Census Block 5013, a corner to the Ridge Precinct; thence leaving the Ervinton-Kenady Magisterial District line and with the Ridge Precinct generally up Caney Creek southwesterly with the southeastern boundary of Census Block 5013 to the northern corner of Census Block 4016 at State Route 644, Little Caney RDG; thence with the center of State Route 644, Little Caney RDG and the eastern boundary of Census Block 4016 to the southeastern corner of Census Block 4016; thence continuing southwesterly with the southern and eastern boundaries of Census Blocks 4016, 5049, 5051, 4043, 5055, 4049, 5056, 5053, 5054, 5050, 5062, 5063, 4063, 4060, and 4061, to the Dickenson-Wise County line; thence southeasterly with the Dickenson-Wise County line to the southeastern corner of Census Block 2048, a corner to the West Dante Precinct; thence leaving the Dickenson-Wise County line and with the West Dante Precinct to the point of BEGINNING.

Ridge Precinct

BEGINNING at the intersection of the Dickenson -Wise County line and State Route 72, Coeburn RD; thence northerly with the center of State Route 72, Coeburn RD to the northwestern corner of Census Block 5041 on the north side of the CSX Railroad; thence northeasterly generally following the CSX railroad and Cranesnest River and with the northern and eastern boundaries of Census Blocks 5041, 5043, 5044, 5034, and 5033 to the southwest corner of Census Block 3050 at the State Route 637 bridge over Cranesnest River, thence continuing with the western boundary of Census Blocks 3050 and 3051 to State Route 649, Rush CRK and the Clintwood-Kenady Magisterial District line; thence southerly with the Clintwood-Kenady Magisterial District line and State Route 649 to the left fork of Rush Creek; thence turning southeasterly and continuing with the Clintwood-Kenady Magisterial District line to the corner of the Clintwood-Ervinton-Kenady Magisterial Districts on Caney Creek; thence leaving the Clintwood-Kenady Magisterial District line and continuing southerly with the Ervinton-Kenady Magisterial District line to the southwest corner of Census Block 4004, a corner to the Herald Precinct; thence continuing southwesterly with the Herald Precinct to the Dickenson-Wise County line; thence with the Dickenson-Wise County line to the point of BEGINNING

Longs Fork Precinct

BEGINNING at the intersection of State Route 83, Dickenson HWY and the Dickenson-Wise County line and a corner of the Clintwood-Kenady Magisterial Districts; thence southeasterly with the Dickenson -Wise County line to the point of intersection with State Route 72, Coeburn RD, a corner with the Ridge Precinct; thence with the

Ridge Precinct and the center of State Route 72, Coeburn RD to the northwestern corner of Census Block 5041 at State Route 72, Coeburn RD near the CSX Railroad; thence continuing with the Ridge Precinct northeasterly generally following the CSX railroad and Cranesnest River to the Clintwood-Kenady Magisterial District line at State Route 649, Rush CRK; thence following the Clintwood-Kenady Magisterial District line to the point of BEGINNING.

ELECTION DISTRICT IV

Haysi Precinct

BEGINNING on the Virginia-Kentucky state line at the northern corner of Census Block 2091, near the CSX railroad and Russell Fork River, a corner of the Sandlick and Willis Magisterial Districts; thence northeasterly with the Virginia-Kentucky state line to its intersection with the Dickenson-Buchanan County line; thence with the Dickenson-Buchanan County line to the northeast corner of Census Block 3008 near the American Electric Power transmission line, a corner to the Colley Precinct; thence westerly with the Colley Precinct and with the northern boundary of Census Blocks 3008, 3009, 3012 and 3027 generally following the American Electric Power transmission line to the center of State Route 80, Sandlick RD near its intersection with State Route 9697 at Haysi High School; thence northwesterly with the northeastern boundary of Census Block 3026 to the northeast corner of Census Block 3060 opposite Haysi High School; thence westerly with the northern boundaries of Census Blocks 3060, 3059, 3056, 3047 and 3044 to the northwest corner of Census Block 3044 near an American Electric Power transmission line; thence southwesterly with the western boundary of Census Blocks 3044, 3043, 3046, 3049, and 3050 to the northeastern corner

of Census Block 3041 near the intersection of another American Electric Power transmission line; thence continuing with the northeast boundary of Census Blocks 3041, 3038, 3039, 1062, 1034, 1033 and generally the second American Electric Power transmission line to the southern corner of Census Block 1017 on the north side of CSX Railroad; thence with the southern boundary of Census Block 1017 to the southern corner of Census Block 1018; thence leaving CSX Railroad and continuing with the northern boundary of Census Block 1017 to Loop CIR; thence northeasterly with the center of Loop CIR; to State Route 63, Big Ridge RD, a corner of the Ervinton-Sandlick-Willis Magisterial Districts; thence northeasterly with the center of State Route 63, Big Ridge RD and the Sandlick-Willis Magisterial District line to the intersection of State Route 614, Flannagan Dam RD; thence continuing northwesterly with the center of State Routes 614 and 739, Flannagan Dam RD to a point near the center of the John Flannagan Dam embankment; thence continuing northeasterly with the Sandlick-Willis Magisterial District line to the point of BEGINNING.

Colley Precinct

BEGINNING at the northeast corner of Census Block 3008 on the Dickenson-Buchanan County line near the American Electric Power transmission line; thence westerly with the northern boundary of Census Blocks 3008, 3009, 3012 and 3027 generally following the American Electric Power transmission line to the center of State Route 80, Sandlick RD near its intersection with State Route 9697 at Haysi High School; thence northwesterly with the northeastern boundary of Census Block 3026 to the northeast corner of Census Block 3060 opposite Haysi High School; thence westerly with the northern boundaries of Census Blocks 3060, 3059, 3056, 3047 and 3044 to the

northwest corner of Census Block 3044 near an American Electric Power transmission line; thence southwesterly with the western boundary of Census Blocks 3044, 3043, 3046, 3049, 3050, and 3073 to the Ervinton Magisterial District line at the southern corner of Census Block 3041 near the American Electric Power transmission line and Emory DR on State Route 668; thence southeasterly with the center of State Route 668 to the intersection of State Routes 668, Backbone RDG and 652, Backbone RDG / Dollys House LN; thence continuing with State Route 652, Backbone RDG to the northeastern corner of Census Block 3055 near the American Electric Power transmission line; thence generally following the American Electric Power transmission line and with the northeastern boundary of Census Block 3055 to State Route 607, Crooked BR to the northeast corner of Census Block 4066 near the American Electric Power transmission line; thence with the northeastern boundary of Census Blocks 4066, 4067, 4071, 4076, 4077, and 4078 generally following the American Electric Power transmission line to State Route 670, Lick Creek RD; thence southerly with the center of State Route 670 to its intersection with State Route 671, Rock Lick RD; thence southeasterly with the center of State Route 671 to the corner of Census Block 3010 near the American Electric Power transmission line; thence with the northeastern boundary of Census Blocks 3010 and 3003, generally following the American Electric Power transmission line to State Route 625; thence with the center of State Route 625 to the intersection of State Route 80, Sandlick RD; thence continuing southeasterly with the Ervinton-Sandlick Magisterial District line and the center of State Route 80, Sandlick RD to the Dickenson-Buchanan County line; thence northwesterly with the Dickenson-Buchanan County line to the point of BEGINNING.

ELECTION DISTRICT V

North Clintwood Precinct

BEGINNING at the northwest corner of Census Block 1016 on the Virginia-Kentucky State line on the headwaters of Bearpen Branch; thence northeasterly with the Virginia-Kentucky State line to the northeast corner of Census Block 1016, a corner to the Artrip Precinct; thence leaving the Virginia-Kentucky State line with the Artrip Precinct and with the eastern boundary of Census Blocks 1016 and 1015 to the northeast corner of Census Block 1011 at State Route 611, South of the Mountain RD; thence continuing with the eastern boundary of Census Blocks 1011, and 1013 generally following Cane Creek to its confluence with John Flannagan Reservoir; thence continuing with the southern boundary of Census Blocks 1011, 1068, and 1028 generally with the John Flannagan Reservoir and Pound River to the southwest corner of Census Block 1056; thence with the western boundary of Census Block 1056 to the Clintwood-Willis Magisterial District line on State Route 689, Jerrys BR near Hot Dog Trail; thence leaving the Artrip Precinct southerly with the Clintwood-Willis Magisterial District line and the center of State Route 689, Jerrys BR to State Route 607, The Lake RD; thence continuing with the Clintwood-Willis Magisterial District line and the center of State Route 607, The Lake RD/Clintwood Main ST in a southwesterly direction to the eastern corner of Census Block 2029 near the Dickenson County Courthouse; thence continuing with the southern boundary of Census Blocks 2029, 2027, and 2033 to the intersection of State Route 83, Dickenson HWY near Clintwood High School; thence continuing with the Clintwood-Willis Magisterial District line and the center of State Route 83, Dickenson HWY to the intersection of State Route 621, Lower Georges Fork HOLW;

thence northerly with the Clintwood-Willis Magisterial District line and the center of State Route 621, Lower Georges Fork HOLW to the intersection of State Route 631, Brush Creek RD; thence northwesterly with the center of State Route 631, Brush Creek RD to the intersection of State Route 622, Cutter CRK; thence continuing with the Clintwood-Willis Magisterial District line to the point of BEGINNING.

Tarpon Precinct

BEGINNING at the northwest corner of Census Block 1000 on the Virginia-Kentucky State line, a corner to the Artrip Precinct; thence northeasterly with the Virginia-Kentucky State line to the northern corner of Census Block 2091, near the CSX railroad and Russell Fork River, a corner of the Sandlick and Willis Magisterial Districts; thence leaving the Virginia-Kentucky state line and with the Sandlick-Willis Magisterial District line to the confluence of Russell Fork and Pound Rivers; thence continuing with the Sandlick-Willis Magisterial District line up Pound River to State Route 739, Flannagan Dam RD near the center of the John Flannagan Dam embankment; thence continuing with the Sandlick-Willis Magisterial District line and the center of State Routes 739 and 614 to the intersection of State Route 63, Big Ridge RD; thence continuing southerly with the Sandlick-Willis Magisterial District line and the center of State Route 63 to the corner of the Ervinton, Sandlick, and Willis Districts at Loop CIR; thence continuing in a southeasterly direction with the Ervinton-Willis Magisterial District line and the center of State Route 63, Big Ridge RD to the intersection of State Route 637, Rose RDG; thence with the center of State Route 637 to the corner of the Clintwood, Ervinton, and Willis Districts at the Cranesnest River Campground Road; thence leaving the Ervinton-Sandlick Magisterial District line northwesterly with the

The Lake RD and continuing southeasterly with the Clintwood-Willis Magisterial District line to the northwest corner of Census Block 1014 at the Cranesnest Boat Ramp, a corner to the Tarpon Precinct; thence following the Tarpon Precinct to the Virginia-Kentucky state line; thence northwesterly with the Virginia-Kentucky state line to the point of BEGINNING.

SECTION 4. DISTRICT SUPERVISORS.

There shall be one (1) supervisor elected from each election district created by this Ordinance.

SECTION 5. VALIDITY – SEVERABILITY.

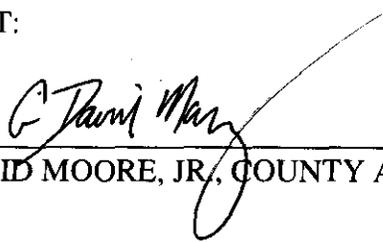
If any section, clause, sentence, phase or word of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, or by the United States Department of Justice, or is, for any reason, held to be in violation of Section 5 of the Voting Rights Act of 1965, such decision shall not affect the validity or constitutionality of the remaining sections, clauses, sentences, phrases or words and shall remain in full force and effect.

ADOPTED this the 23RD day of AUGUST, 2011.



ROGER STANLEY, CHAIRMAN

ATTEST:



G. DAVID MOORE, JR., COUNTY ADMINISTRATOR

TITLE TARGET

1. Agency/Office of Origin:

Dickenson County
Board of Supervisors

2. Name/Title of Records:

Ordinance Book No. 2
Page 101 to 139

3. Date filmed

March 20, 2012

4. Name/Location of Producer or service bureau:

C. W. Warthen Court Resources
311 Rivermont Avenue, Suite A
Lynchburg, VA 24504

**ORDINANCE PROVIDING PAYMENT OF MONETARY
BONUSES TO COUNTY EMPLOYEES**

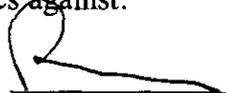
WHEREAS, § 15.2-1508 of the Code of Virginia (1950), as amended, sets forth the procedure, including the adoption of an ordinance, by which a board of supervisors may provide for the payment of monetary bonuses to county officers and employees; and

WHEREAS, the Dickenson County Board of Supervisors, after due notice and public hearing, has determined that the desire of the Board of Supervisors to provide the Dickenson County officers and employees a monetary bonus shall be granted;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Dickenson County Board of Supervisors, as follows:

1. A "bonus" shall be defined as a lump-sum payment to an officer or employee that is not part of the base salary.
2. The Board of Supervisors shall pay a bonus of \$500.00 for all full-time employees.
3. The Board of Supervisors shall pay a bonus of \$200.00 for all part-time employees.
4. Individual members of the Board of Supervisors shall not receive a bonus.
5. This ordinance shall become effective on and after 12:01 a.m. on December 20, 2011.
6. This ordinance shall terminate on January 1, 2012.

IN WITNESS WHEREOF, this ordinance adopted this 19th day of December, 2011 by the Dickenson County Board of Supervisors in regular session by a vote of 5 for and 0 votes against.



ROGER STANLEY, CHAIRMAN

ATTEST:



Clerk

COAL, GAS, AND OIL SEVERANCE TAX ORDINANCE

WHEREAS, since 1976, the Dickenson County Board of Supervisors, pursuant to state law has enacted a Local Coal and Gas Severance Tax Ordinance;

WHEREAS, since 1976, the Dickenson County Board of Supervisors, pursuant to state law, has from time to time amended and reenacted the Coal and Gas Severance Tax Ordinance;

WHEREAS, since 1976, the Dickenson County Board of Supervisors has adopted, amended or reenacted the Coal and Gas Severance Tax Ordinance to include the provisions of §§ 58.1-3712, 58.1-3713 and 58.1-3713.4;

WHEREAS, the Dickenson County Board of Supervisors wishes to amend the Coal and Gas Severance Tax Ordinance to include the provisions of Virginia Code § 58.1-3703.1.

WHEREAS, Dickenson County, Virginia acting by and through its governing body, after notice of a public hearing as required by law and after conducting a public hearing on December 19, 2011, does hereby reenact, adopt and amend the Coal and Gas Severance Tax Ordinance, and shall be henceforth known as the Coal, Gas, and Oil Severance Tax Ordinance.

WHEREAS, AN ORDINANCE TO REPLACE AND SUPERSEDE PREVIOUS ORDINANCES RELATED TO THE IMPOSITION OF LICENSE TAXES ON EVERY PERSON ENGAGED IN THE BUSINESS OF SEVERING COAL, GAS, AND OIL FROM THE EARTH IN DICKENSON COUNTY AS PROVIDED BY VIRGINIA CODE SECTIONS 58.1-3703.1, 58.1-3712, 58.1-3712.1, 58.1-3713, AND 58.1-3713.4.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF DICKENSON COUNTY, VIRGINIA THE IMPOSITION OF THE FOLLOWING LOCAL LICENSE TAX AND THAT IT BE AMENDED AND REENACTED AS FOLLOWS:

SECTION 1. IMPOSITION OF TAX PURSUANT TO STATE LAW

This Ordinance hereby incorporates by reference the provisions of Virginia Code Sections 58.1-3703.1 (as applicable to local severance license taxes), 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4.

Pursuant to §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 of the Virginia Code, the following Coal, Gas, and Oil Severance Taxes are levied and imposed by this Ordinance:

A. Pursuant to § 58.1-3712, a local severance license tax is levied and imposed on every person in the business of severing coal or gases, including methane, propane and other migratory gases at a rate of one percent (1%) of the gross receipts from the sale of coal or gases, including methane, propane and other migratory gases severed within Dickenson County. Pursuant to § 58.1-3712.1, a local severance license tax is levied and imposed on every person in the business of severing oil at a rate of one-half of one percent (0.5%) of the gross receipts from the sale of oil severed in Dickenson County. Gross receipts shall be defined as the fair market value measured at the time such coal, oil, or gases, including methane, propane or other migratory gases are utilized or sold for utilization in the County or at the time they are placed in transit for shipment from Dickenson County. Producers of coal, oil, or gases, including methane, propane or other migratory gases and common carriers shall be required to maintain records and file

reports showing the quantities of and receipts from coal, oil, or gases which they have produced or transported.

B. Pursuant to § 58.1-3713, a local coal and gas road improvement and Virginia Coal and Economic Development Authority severance license tax is levied and imposed on every person engaged in the business of severing coal or gases, including methane, propane or other migratory gases at a rate on one percent (1%) of the gross receipts from the sale of coal or gases, including methane, propane and other migratory gases severed within Dickenson County. Gross receipts shall be defined as the fair market value measured at the time such coal or gases, including methane, propane and other migratory gases are utilized or sold for utilization in the County or at the time they are placed in transit for shipment from Dickenson County. The provisions of Virginia Code § 58.1-3712 as they relate to the measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax herein imposed.

C. In addition to the taxes levied pursuant to §§ 58.1-3712, 58.1-3712.1, and 58.1-3713, and additional local severance license tax is levied and imposed pursuant to § 58.1-3713.4 on every person engaged in the business of severing gases, including methane, propane and other migratory gases at a rate of one percent of the gross receipts from the sale of gases, including methane, propane and other migratory gases from Dickenson County. Gross receipts shall be defined as the fair market value measured at the time such gases, including methane, propane and other migratory gases are utilized or sold for utilization in the County or at the time they are placed in transit for shipment from Dickenson County. The provisions of § 58.1-3712 as they relate to the

measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this Section.

SECTION 2. RATE OF TAXATION

A. Pursuant to Virginia Code Section 58.1-3712, a local severance license tax is levied and imposed on every person engaged in the business of severing coal or gases, including methane, propane and other migratory gases from the earth in Dickenson County. The rate of taxation shall be one percent (1%) of the gross receipts from the sale of coal or gases, including methane, propane and other migratory gases. The gross receipts shall be the fair market value measured at the time such coal or gases, including methane, propane and other migratory gases are utilized or sold for utilization in Dickenson Count or at the time they are placed in transit for shipment from Dickenson County.

B. Pursuant to § 58.1-3712.1, a local severance license tax is levied and imposed on every person in the business of severing oil at a rate of one-half of one percent (0.5%) of the gross receipts from the sale of oil severed from the earth in Dickenson County. The gross receipts shall be the fair market value measured at the time such oil is utilized or sold for utilization in Dickenson Count or at the time such oil is placed in transit for shipment from Dickenson County.

C. Pursuant to § 58.1-3713, a coal and gas license tax of one percent of the gross receipts is levied on each person engaged in the business of severing coal or gases, including methane, propane and other migratory gases from the earth in Dickenson County. The coal and gas road improvement and the Virginia Coalfield Economic Development Authority severance license tax shall be levied on the gross receipts from

the sale of coal or gases, including methane, propane and other migratory gases severed from the earth in Dickenson County. Gross receipts shall be the fair market value measured at the time such coal or gases, including methane, propane and other migratory gases are utilized or are sold for utilization in Dickenson County or at the time they are placed in transit for shipment from Dickenson County.

D. Pursuant to § 58.1-3713.4, notwithstanding the rate limitations established in §§ 58.1-3712 and 58.1-3713, an additional license severance tax is levied and imposed on every person engaged in the business of severing gases, including methane, propane and other migratory gases from the earth in Dickenson County. The license severance tax shall be at a rate of one percent of the gross receipts from the sale of gas severed from the earth in Dickenson County. The gross receipts shall be the fair market value measured at the time such gases, including methane, propane and other migratory gases are utilized or sold for utilization in Dickenson County or at the time they are placed in transit for shipment from Dickenson County.

SECTION 3. DEFINITIONS

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

A. “*Acted responsibly*” means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to

remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

B. “*Amount in dispute*” when used with respect to taxes due or assessed, means the amount specifically identified in the administrative appeal or application for judicial review as disputed by the party filing such appeal or application.

C. “*Appealable event*” means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the Commissioner’s (i) examination of records, financial statements, books of account, or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

D. “*Coal*” shall include any material composed predominantly of hydrocarbons in a solid state or any products made therefrom.

E. “*Commissioner*” shall mean the Commissioner of the Revenue of Dickenson County, Virginia.

F. “*Common Carrier*” means any person or corporation involved in any phase of the transportation of coal, oil, or gases, including methane, propane and other migratory gases within Dickenson County or from the County. This includes, but is not limited to, the receiving collection or assembly of coal, oil, or gases, including methane, propane and other migratory gases from conveyance from one mode of transportation to

another or the same mode as well as the actual movement of the coal, oil, or gases, including methane, propane and other migratory gases in shipment.

G. “*Events beyond the taxpayer's control*” include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

H. “*Frivolous*” means a finding, based on specific facts, that the party asserting the appeal is unlikely to prevail upon the merits because the appeal is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the payment of tax or a refund, or to create needless cost from the litigation; or (iv) otherwise frivolous.

I. “*Gas*” means and includes any substance or form that is neither liquid nor solid and which is sought for and removed from the earth for the vapor itself, and used for lighting, heating, cooling or any other purpose, including, but not limited to, natural gas, propane, methane and other migratory gases from the earth.

J. “*Gross Receipts*” shall mean the fair market value measured at the time such coal, oil, or gases, including methane, propane and other migratory gases are utilized or sold for utilization in Dickenson County or at the time they are placed in transit for shipment from Dickenson County, Virginia. In a transaction involving related parties, gross receipts shall not be less than the fair market value for coal, oil, or gas of a

similar grade and quality. The term gross receipts shall include only those receipts derived from property located in Dickenson County. In calculating the fair market value, no person engaging in the production and operation of severing gases from the earth in connection with coal mining shall be allowed to take deductions, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

K. “*Jeopardized by delay*” means a finding, based upon specific facts, that a taxpayer designs to (i) depart quickly from the locality; (ii) remove his property therefrom; (iii) conceal himself or his property therein; or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

L. “*Oil*” means an oily flammable bituminous liquid that occurs in many places in the upper strata of the earth either in seepages or in reservoir formations from which it is obtained by drilling and pumping if necessary, that is essentially a complex mixture of hydrocarbons of different types with small amounts of other substances, and that is subject to various refining processes for producing useful products.

M. “*Operator*” shall mean any resident or nonresident person having an economic interest in coal, oil, or gas, including methane, propane and other migratory gases mined or extracted in the County, or any person who first receives proceeds from the sale of coal, oil, or gases, including methane, propane and other migratory gases mined in the County. This term may include owners and producers.

N. “*Owner*” means the owner of legal or equitable interest in said coal, oil, or gases, including methane, propane and other migratory gases at the time of severance.

O. “*Person*” shall include any individual, firm, partnership, corporation, cooperative, joint venture, association, estate, trust, business trust, trustee in bankruptcy, receiver, syndicate, assignee or other group or combination acting as a unit, in the plural as well as the singular number.

P. “*Producer*” means any person engaged in severing coal, oil, or gases, including methane, propane and other migratory gases from the earth in Dickenson County, Virginia, including any owner or operator so engaged as such terms are defined and used herein.

Q. “*Severing*”, “*Severance*”, or “*Severed*” as used in this Ordinance shall mean the taking from any land, soil or slag piles situated in Dickenson County, Virginia of any coal, oil, or gases, including methane, propane and other migratory gases in any manner whatsoever.

R. “*Well*” shall mean a shaft or hole sunk, dug, or bored to obtain oil or natural gas, propane, methane and other migratory gases from the earth.

SECTION 4. MAINTENANCE OF RECORDS

A. Each person, owner, producer and/or common carrier of coal, oil, or gases, including methane, propane and other migratory gases shall maintain records and file reports showing the source, quantity and gross receipts on payments for coal, oil, and gases, including methane, propane and other migratory gases which they have produced or transported. The reports shall be filed with the Commissioner.

B. Said records shall be sufficient to enable the Commissioner to verify the correctness of the tax paid for the license years assessable and to enable the Commissioner to ascertain what is the correct amount of tax that was assessable for each

of those years. All such records, books of accounts and other information shall be open to inspection and examination by the Commissioner in order to allow the Commissioner to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this jurisdiction. The Commissioner shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside of Dickenson County, copies of the appropriate books and records shall be sent to the Commissioner's office upon demand.

SECTION 5. LICENSE OF OPERATORS

A. Prior to the beginning of any mining, oil, or gas operation in Dickenson County, every person and/or operator shall file with the Commissioner an application for a severance tax license for each mine or well prior to beginning business if he was not subject to licensure in this jurisdiction on or before January 1 of the license year, or no later than March 1 of the license year if he had been issued a license for the preceding year. Every application shall be signed by the operator, if a natural person; for an association or partnership, the application shall be signed by a member or partner; for a corporation, the application shall be signed by an executive officer or person specifically authorized by the corporation to sign the application. Each application shall be accompanied by a list of all persons having an economic interest in a mine, mining operations, and oil and gas wells.

B. When the required application has been made, the Commissioner of Revenue may issue a license to each applicant who has met all of the requirements of this Ordinance. A separate severance tax license shall be issued for each mine or well

operated within the County. The severance tax license shall not be transferable. The operator or person shall post the detachable part of the license where it will be readily visible at the entrance of the mining or well operation.

C. The Commissioner may grant an extension of time in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax; the tax is then subject to adjustment to the correct tax at the end of the extension, together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, with a penalty of ten percent (10%) of the portion paid after the due date.

D. No severance tax license shall be issued to a person or agent for a person who owns an interest in a mining operation or well owing delinquent severance taxes at the time the application is submitted; and when such facts are known to the Commissioner, he may, at his election, hold a hearing as provided for in this Section.

E. Whenever any person fails to comply with any provision of this severance tax ordinance, the Commissioner, at his election, may hold a hearing after giving such person ten (10) days written notice, specifying the time and place of the hearing. The purpose of the hearing is to require the person and/or operator to show cause why the severance tax mining license should not be revoked, suspended, or denied. The Commissioner may revoke, suspend or deny any or all of the severance tax mining licenses held by such person and/or operator for noncompliance with the ordinance or for other good cause.

F. If the holder of a severance tax mining license ceases mining or well operations, the severance tax license shall expire upon the cessation of mining or well operations, and such holder of the severance tax mining license shall inform the Commissioner in writing within thirty (30) days of the cessation of any mining or well operations. A copy of the written communication shall also be provided to the Treasurer.

G. A penalty of ten percent (10%) of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the Commissioner if both the application and payment are late; however, both penalties may be assessed if the Commissioner determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the Commissioner, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the Commissioner is not paid within 30 days, the Treasurer or other collecting official may impose a 10 percent late payment penalty. If the failure to file or pay was not the fault of the taxpayer, the penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

H. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the Commissioner is found to be erroneous, all interest and any penalties charged and collected on the amount of the assessment

found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any severance tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916.

I. No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, provided the refund or the late payment is made not more than 30 days from the date of the payment that created the refund or the due date of the tax, whichever is later.

SECTION 6. RETURN BY OPERATORS

Every person and/or operator shall pay the severance license tax levied pursuant to Virginia Code Sections 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 on or before the twentieth day of each month for the preceding calendar month. The report shall show the total gross receipts from the sale of coal, oil, or gases, including methane, propane and other migratory gases severed in Dickenson County. Gross receipts shall be the fair market value measured at the time such coal, oil, or gases, including methane, propane and other migratory gases are utilized or sold for utilization in Dickenson County or at the time they are placed in transit for shipment from the County. The tax returns shall be prepared and transmitted to the Commissioner by every person and/or operator on or before the twentieth day of each month for the preceding calendar month. The Commissioner shall transmit to the Treasurer a copy of all returns, taxes owed or payments.

SECTION 7. SUBMISSION OF RECORDS BY COMMON CARRIERS

Any common carrier involved in the transportation of coal, oil, or gases, including methane, propane and other migratory gases within or from Dickenson County shall submit upon request of the Commissioner records showing the source and quantity; and if purchased, the price paid for all coal, oil, and gases, including methane, propane and other migratory gases which they have acquired and/or transported. This information may be made available to any other political subdivision in which the coal, oil, or gases, including methane, propane and other migratory gases have been severed.

SECTION 8. PAYMENT TO ACCOMPANY OPERATIONS RETURN

At the time of transmitting the tax return as required by this Ordinance to the Commissioner, the person shall remit to the Treasurer the amount of tax due under the applicable provisions of this Ordinance. Failure to remit such tax shall cause such tax to become delinquent on the twenty-first day of the month following the month in which the tax became due and payable. A penalty of ten percent (10%) shall be assessed upon all delinquent taxes. In addition, interest will be charged at the rate of ten percent (10%) per annum with both penalty and interest imposed as of the first day of the month following the month in which the tax became delinquent. The Treasurer shall notify the Commissioner in writing of all payments received identifying the taxpayer, the amount received and any outstanding taxed due and owed.

SECTION 9. REISSUANCE OF LICENSE

Upon receipt of the prescribed returns as required by this Ordinance and payment of taxes or extension granted pursuant to this Ordinance, the Commissioner may issue the severance license tax for the succeeding month.

SECTION 10. LIMITATIONS AND EXTENSIONS

A. Upon payment of a sum equal to fifty percent (50%) of the average license severance taxes paid pursuant to §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 for the previous three (3) months, plus penalty and interest of 10%, the Commissioner of Revenue, for good cause shown, may grant an extension of thirty (30) days for any delinquent severance taxes.

B. Where, before the expiration of the time prescribed for the assessment of any local severance license tax imposed pursuant to this Ordinance, both the Commissioner and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

C. Notwithstanding § 58.1-3903, the Commissioner shall assess the local severance license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.

D. The period for collecting any local severance license tax shall not expire prior to the period specified in § 58.1-3940, two years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of the Ordinance, two years after the final determination of an appeal for which collection has been stayed pursuant to this Ordinance, or two years after the final decision in a court application pursuant to § 58.1-3984 or a similar law for which collection has been stayed, whichever is later.

SECTION 11. ASSESSMENT BASED ON ESTIMATE

In the event an operator and/or person fails to make a tax return as provided by this Ordinance, makes an incorrect return, or files a return that is false or fraudulent, it shall be the duty of the Commissioner to make an estimate of the severance license taxes due plus interest and penalty. The Commissioner shall give such individual a ten (10) day written notice requiring such individual to appear before him with such books, records, papers and other documents as he may require; require such operator and/or person or their agents and employees to give sworn testimony and/or to answer interrogatories under oath. The Commissioner is hereby authorized to make a severance license tax assessment against any individual who fails to make the return as provided by this Ordinance, makes an incorrect return, or files a return that is false or fraudulent. The assessment shall be deemed *prima facie* correct.

SECTION 12. BOND

The Commissioner may, when in his judgment, it is necessary and advisable to secure the collection of a severance license tax levied by this ordinance, require any person and/or operator file with him a bond secured by a surety company authorized to do business in Virginia. The bond shall be in such reasonable amounts as the Commissioner may fix to secure the payment of any tax, penalty or interest due or which may become due.

SECTION 13. JEOPARDY ASSESSMENT

If the Commissioner is of the opinion that the collection of the severance license tax imposed by this Ordinance will be jeopardized by delay or non-payment, he shall make an assessment of the tax, including penalty and interest and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment

of the taxes, penalties and interest. The Commissioner may declare the tax period for the current pay period immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the taxpayer together with a demand for immediate payment of the tax based on the period declared terminated. Such tax shall be immediately due and payable whether or not the time otherwise allowed by the Ordinance for filing a return and paying tax, penalty and interest has expired.

SECTION 14. TAX WARRANTS

When any tax becomes delinquent under this Ordinance, the Treasurer is empowered by statute and this Ordinance to issue a civil warrant for the collection of the tax, penalty and interest. Costs and attorney's fees shall be added to any other penalties imposed.

SECTION 15. PENALTIES

- A. The following persons shall be guilty of a Class 1 Misdemeanor:
- (1) Any person who conducts mining, or oil or gas well operation in this County without obtaining a license or after a license has been suspended or revoked.
 - (2) Each officer or director of a corporation that conducts mining, or oil or gas well operation in this County without obtaining a license or after a license has been suspended or revoked.
 - (3) Each shareholder of a closely-held corporation that conducts mining, or oil or gas well operation in this County without obtaining a license or after a license has been suspended or revoked.

No person shall be convicted under the provisions of subsections (2) and (3) of this section who shall have objected to the conduct of the mining, oil or gas well operation in writing to the president or secretary of such corporation and forwarded a copy of this objection to the Commissioner.

B. It shall be unlawful for any person:

- (1) To fail to keep the records required by this Ordinance or to make such records available as herein required; or
- (2) Willfully fail to pay, collect or truthfully account for and pay any license tax herein imposed; or
- (3) Willfully to attempt in any manner to evade or defeat any such license tax or the payment thereof.

C. Each day that this Ordinance is violated shall constitute a separate offense.

D. Violations under this Ordinance shall be Class 1 Misdemeanors.

E. Any penalty imposed for a violation of this Ordinance shall be in addition to the civil remedies or penalties provided for by law or Ordinance.

SECTION 16. DISTRIBUTION OF REVENUE

Local severance license taxes as collected pursuant to this Ordinance shall be distributed consistent with the terms and conditions of §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4.

SECTION 17. COAL AND GAS ROAD IMPROVEMENT ADVISORY COMMITTEE

Pursuant to § 58.1-3713, there is hereby established a “Coal and Gas Road Improvement Advisory Committee.”

SECTION 18. COAL AND GAS ROAD IMPROVEMENT PLAN

The Coal and Gas Road Improvement Advisory Committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such road improvement plans shall be consistent with § 58.1-3713.

SECTION 19. COAL AND GAS ROAD IMPROVEMENT WITHIN TOWNS

The Board of Supervisors may also, at its discretion, elect to make an appropriation from a Coal and Gas Road Improvement Fund directly to town councils for the improvement of town roads.

SECTION 20. ADMINISTRATIVE APPEALS TO COMMISSIONER

A. *Filing and contents of administrative appeal.* Any person assessed with a local severance license tax as a result of an appealable event as defined in this Ordinance may file an administrative appeal of the assessment within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, with the Commissioner. The appeal must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the amount in dispute, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The Commissioner may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the appeal. The assessment placed at issue in the appeal shall be deemed *prima facie* correct. The Commissioner shall undertake a full review of the taxpayer's claims and issue a written determination to the taxpayer setting forth the facts and arguments in support of his decision.

B. *Notice of right of appeal and procedures.* Every assessment made by the Commissioner pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to file an administrative appeal and the specific procedures to be followed in the jurisdiction, the name and address to which the appeal should be directed, an explanation of the required content of the appeal, and the deadline for filing the appeal.

C. *Suspension of collection activity during appeal.* Provided a timely and complete administrative appeal is filed, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the Commissioner, unless the Treasurer (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the commissioner of the revenue or other assessing official that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the Commissioner that the appeal is frivolous as defined in this section. Interest shall accrue in accordance with the provisions of this Ordinance, but no further penalty shall be imposed while collection action is suspended.

D. *Procedure in event of nondecision.* Any taxpayer whose administrative appeal to the Commissioner pursuant to the provisions of this Ordinance has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the Commissioner, elect to treat the appeal as denied and appeal the assessment to the Tax Commissioner in accordance with the provisions of this Ordinance. The Tax Commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of a final

determination on the part of the Commissioner was caused by the willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the commissioner or other assessing official to make his determination.

SECTION 21. ADMINISTRATIVE APPEAL TO THE TAX COMMISSIONER

A. Any person assessed with a severance tax as a result of a determination, upon an administrative appeal to the Commissioner pursuant to this Ordinance, that is adverse to the position asserted by the taxpayer in such appeal may appeal such assessment to the Tax Commissioner within 90 days of the date of the determination by the commissioner of the revenue or other assessing official. The appeal shall be in such form as the Tax Commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the Commissioner. The Tax Commissioner shall permit the Commissioner to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the Commissioner are notified that a longer period will be required. The appeal shall proceed in the same manner as an application pursuant to § 58.1-1821, and the Tax Commissioner may issue an order correcting such assessment pursuant to § 58.1-1822.

B. *Suspension of collection activity during appeal.* On receipt of a notice of intent to file an appeal to the Tax Commissioner under this Ordinance, collection activity with respect to the amount in dispute shall be suspended until a final determination is issued by the Tax Commissioner, unless the Treasurer (i) determines that collection would be jeopardized by delay as defined in this section; (ii) is advised by the Commissioner, or the Tax Commissioner, that the taxpayer has not responded to a request for relevant information after a reasonable time; or (iii) is advised by the

Commissioner that the appeal is frivolous as defined in this Ordinance. Interest shall accrue in accordance with the provisions of this Ordinance, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal pursuant to this Ordinance is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

C. *Implementation of determination of Tax Commissioner.* Promptly upon receipt of the final determination of the Tax Commissioner with respect to an appeal pursuant to this Ordinance, the Commissioner shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the Tax Commissioner's determination and shall provide that information to the taxpayer and to the treasurer or other official responsible for collection in accordance with the provisions of this Ordinance.

(1) If the determination of the Tax Commissioner sets forth a specific amount of tax due, the Commissioner shall certify the amount to the Treasurer, and the Treasurer shall issue a bill to the taxpayer for such amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the determination of the Tax Commissioner.

(2) If the determination of the Tax Commissioner sets forth a specific amount of refund due, the Commissioner shall certify the amount to the Treasurer, and the Treasurer shall issue a payment to the taxpayer for such amount due, together with interest accrued pursuant to this section, within 30 days of the date of the determination of the Tax Commissioner.

(3) If the determination of the Tax Commissioner does not set forth a specific amount of tax due, or otherwise requires the Commissioner to undertake a new or revised assessment that will result in an obligation to pay a tax that has not previously been paid in full, the Commissioner shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The Commissioner shall certify the new assessment to the Treasurer, and the Treasurer shall issue a bill to the taxpayer for the amount due, together with interest accrued and penalty, if any is authorized by this section, within 30 days of the date of the new assessment.

(4) If the determination of the Tax Commissioner does not set forth a specific amount of refund due, or otherwise requires the Commissioner to undertake a new or revised assessment that will result in an obligation on the part of the locality to make a refund of taxes previously paid, the Commissioner shall promptly commence the steps necessary to undertake such new or revised assessment, and provide the same to the taxpayer within 60 days of the date of the determination of the Tax Commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the Tax Commissioner, whichever is later. The Commissioner shall certify the new assessment to the Treasurer, and the Treasurer shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment.

SECTION 22. JUDICIAL REVIEW OF DETERMINATION OF TAX COMMISSIONER

A. *Judicial review.* Following the issuance of a final determination of the Tax Commissioner pursuant to this Ordinance, the taxpayer or Commissioner may apply to the appropriate circuit court for judicial review of the determination, or any part thereof, pursuant to § 58.1-3984. In any such proceeding for judicial review of a determination of the Tax Commissioner, the burden shall be on the party challenging the determination of the Tax Commissioner, or any part thereof, to show that the ruling of the Tax Commissioner is erroneous with respect to the part challenged. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.

B. *Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.*

(1) On receipt of a notice of intent to file an application for judicial review, pursuant to 58.1-3984, of a determination of the Tax Commissioner pursuant to this Ordinance, and upon payment of the amount of the tax that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the Treasurer shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that (i) the taxpayer's application for judicial review is frivolous, as defined in this section; (ii) collection would be jeopardized by delay, as defined in this section; or (iii) suspension of collection would cause substantial economic hardship to the locality. For purposes of determining whether substantial economic hardship to the locality would

arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the locality by different taxpayers that allege common claims or theories of relief.

(2) Upon a determination that the appeal is frivolous, that collection may be jeopardized by delay, or that suspension of collection would result in substantial economic hardship to the locality, the court may require the taxpayer to pay the amount in dispute or a portion thereof, or to provide surety for payment of the amount in dispute in a form acceptable to the court.

(3) No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in dispute.

(4) The requirement that collection activity be suspended shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

(5) The suspension of collection activity authorized by this subdivision shall not be applicable to any appeal of a local license tax that is initiated by the direct filing of an action pursuant to § 58.1-3984 without prior exhaustion of the appeals provided by this Ordinance.

C. *Suspension of payment of disputed amount of refund due upon locality's notice of intent to initiate judicial review.*

(1) Payment of any refund determined to be due pursuant to the determination of the Tax Commissioner of an appeal pursuant to this Ordinance shall be suspended if the locality assessing the tax serves upon the taxpayer, within 60 days of the date of the

determination of the Tax Commissioner, a notice of intent to file an application for judicial review of the Tax Commissioner's determination pursuant to § 58.1-3984 and pays the amount of the refund not in dispute, including tax and accrued interest. Payment of such refund shall remain suspended while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that the locality's application for judicial review is frivolous, as defined in this section.

(2) No suspension of refund activity shall be permitted if the locality's application for judicial review fails to identify with particularity the amount in dispute.

(3) The suspension of the obligation to make a refund shall cease unless an application for judicial review pursuant to § 58.1-3984 is filed and served on the necessary parties within 30 days of the service of the notice of intent to file such application.

D. *Accrual of interest on unpaid amount of tax.* Interest shall accrue in accordance with the provisions of this Ordinance, but no further penalty shall be imposed while collection action is suspended.

SECTION 23. RULINGS

Any taxpayer or authorized representative of a taxpayer may request a written ruling regarding the application of a local severance license tax to a specific situation from the Commissioner. Any person requesting such a ruling must provide all facts relevant to the situation placed at issue and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended

prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or (ii) the Commissioner notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

SECTION 24. EXPIRATION OF SEVERANCE TAXES

This Ordinance shall continue with full force and effect until legislation is adopted by the Virginia General Assembly revoking the locality's authority to impose the severance taxes as imposed by §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4.

SECTION 25. VALIDITY-SEVERABILITY

In the event the taxes imposed by §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4, or any part thereof, or any part of this Ordinance should be held unconstitutional, void or invalid, all other such provisions of this Ordinance shall remain in full force and effect.

SECTION 26. EFFECTIVENESS

The provisions of this Ordinance shall take effect on _____, 2011, pursuant to §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 of the Code of Virginia, 1950, as amended, and:

A. All unpaid coal, oil, and gas license severance taxes owed pursuant to §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 which were due and payable prior to enactment of this revised Ordinance shall remain due and payable pursuant to 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4.

B. All persons having valid coal, oil, or gas severance tax license or coal haul road severance tax licenses, pursuant to prior severance tax ordinances, shall be considered to have similar licenses pursuant to this Ordinance until such time as such licenses must be renewed as provided for herein.

C. The penalties for violations of such prior coal and gas severance tax ordinances shall remain applicable and in full force and effect; however, except as otherwise provided herein such ordinances are hereby repealed.

D. This Ordinance shall supercede all other coal, oil, or gas severance tax ordinances as previously adopted by the Dickenson County Board of Supervisors.

Adopted this 19th day of December, 2011.



ROGER STANLEY, CHAIRMAN
DICKENSON COUNTY BOARD OF SUPERVISORS

ATTEST:

Teresa Szall
CLERK

**ELDERLY AND DISABLED REAL ESTATE TAX
EXEMPTION ORDINANCE**

WHEREAS, pursuant to Virginia Code Section 58.1-3218, the General Assembly has deemed certain elderly and disabled persons to be bearing an extraordinary tax burden on the real estate in relation to their income and financial worth; and

WHEREAS, Virginia Code Section 58.1-3210 *et seq.* (1950), as amended, provides that the governing body of any county may, by ordinance, provide for the exemption from taxation of real estate owned by certain elderly and disabled persons;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Dickenson County, Virginia, after notice and public hearing, as required by law, hereby adopts the following:

An ordinance providing for the exemption from taxation of real estate and manufactured homes for qualified property owners at least sixty-five (65) years of age or permanently disabled. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least sixty-five (65) years of age or anyone found to be permanently and totally disabled as defined in Article 3(B) of this Ordinance.

ARTICLE 1: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Article:

- A. “*Affidavit*” shall mean the Real Estate Tax Exemption Affidavit.
- B. “*County Board*” shall mean the Board of Supervisors of Dickenson County, Virginia, or any of its duly authorized deputies or agents.
- C. “*Commissioner*” shall mean the Commissioner of the Revenue of Dickenson County, Virginia.

D. “*Dwelling*” shall mean the full-time residence of the person or person claiming exemption, including manufactured homes.

E. “*Exemption*” shall mean exemption from the Dickenson County Real Estate Tax according to the provisions of this Ordinance.

F. “*Disabled*” shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person’s life.

G. “*Income*” shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.

H. “*Manufactured home*” shall mean a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

I. “*Property*” shall mean real property, including manufactured homes.

J. “*Taxable year*” shall mean the calendar year, from January 1 until December 31, for which exemption is claimed.

K. “*Treasurer*” shall mean the Treasurer of Dickenson County, Virginia.

ARTICLE 2: EXEMPTION AUTHORIZED – EFFECTIVE DATE

A Real Estate Tax Exemption is provided for qualified property owners who are sixty-five (65) years of age or older, or determined to be permanently and totally disabled, and who are eligible according to the terms of this Ordinance. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or is permanently and totally disabled. A dwelling jointly held by two or more individuals not all of whom are at least age sixty-five (65) or permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

ARTICLE 3: CERTIFICATION FOR DISABLED PERSONS

A. If a disabled property owner is under sixty-five (65) years of age, the owner shall file, together with an Application for Real Estate Tax Exemption, a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such a person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such a person is permanently and totally disabled as defined in Article 3(B). However, a certification by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in Article 3(B). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in Article 3(B).

B. For purposes of this Ordinance, a person is permanently and totally disabled if he is certified as required in Article 3(A) and is found by the Commissioner to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

ARTICLE 4: ADMINISTRATION OF THE EXEMPTION

The exemption shall be administered by the Commissioner according to the provisions of this Ordinance. The Commissioner is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformance with the provisions of this Ordinance, including the requirement of answers under oath, as may be reasonably necessary to determine qualifications for exemption as specified by this Ordinance. The Commissioner of Revenue may require the production of certified tax returns and appraisal reports to establish income and/or financial worth.

ARTICLE 5: REQUIREMENTS FOR EXEMPTION

Exemptions shall be subject to the following restrictions and conditions:

A. The person claiming the exemption must be sixty-five (65) years of age or over, or be permanently and totally disabled on December 31 of the year immediately preceding the taxable year.

B. The real estate for which the exemption is claimed must be owned and occupied on January 1 of the taxable year, as his or her sole dwelling, by the person claiming the exemption. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five (65) or over or is permanently and totally disabled.

C. A dwelling jointly held by two or more individuals not all of whom are at least age sixty-five (65) or permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners. Such exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age sixty-five (65) or are permanently and totally disabled, and as a denominator, 100%. As a condition for such tax exemption, the joint owners shall be required to furnish to the Commissioner sufficient evidence of each joint owner's ownership interest in the dwelling. Nothing in this subsection (C) shall be interpreted or construed to provide for an exemption from tax for any dwelling jointly held by nonindividuals.

D. The total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling who use it as their principal residence, and (ii) owners' relatives who live in the dwelling, shall not exceed the greater of thirty-five thousand dollars (\$35,000.00), or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z). Any amount up to \$20,000.00 of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by Article 5(E) shall be excluded in determining total combined income. Any form of public welfare assistance (other than medical care for the medically indigent) must be listed as income.

E. The net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the

owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ten (10) acres, upon which it is situated shall not exceed \$75,000.00.

F. If a person qualifies for the exemption under this Ordinance, and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of \$10,000.00 without adequate consideration within a three-year period prior to or after the relative moves into such residence.

ARTICLE 6: CLAIMING OF EXEMPTION

A. Annually after January 1 and not later than April 1 of the taxable year, the person or persons claiming an exemption must file a Real Estate Tax Exemption Affidavit with the Commissioner of Revenue.

B. The Affidavit shall set forth, in a manner prescribed by the Commissioner of Revenue, the names of all persons occupying the dwelling for which exemption is claimed, their gross combined income, and their total combined net worth, including equitable interests and the combined income from all sources, of the persons specified in Article 5, and that such total combined net worth does not exceed the limits prescribed in this Ordinance.

C. If a disabled property owner is under sixty-five (65) years of age, the owner shall file, together with an Application for Real Estate Tax Exemption, a

certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such a person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such a person is permanently and totally disabled as defined in Article 3(B). However, a certification pursuant to 42 U.S.C. § 423(d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in Article 3(B). The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in Article 3(B).

D. The Commissioner of Revenue shall make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in Article 3(B) and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling, or as specified by ordinance.

E. If, after audit and investigation, the Commissioner of Revenue determines that the person or persons are qualified for exemption, he shall so certify to the Treasurer, who shall deduct the amount of the exemption from the claimant's real estate tax liability.

F. The fact that persons who are otherwise qualified for tax exemption or deferral by this Ordinance are residing in hospitals, nursing homes, convalescent homes

or other facilities of physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption or deferral is sought does not continue to be the sole dwelling of such person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

ARTICLE 7: AMOUNT OF EXEMPTION

For qualified persons, the amount of exemption of the real estate tax shall be \$150.00 of the tax bill. The difference between the original tax and the figure arrived at will be due the County as the assessed property tax for that year. In no case will the tax excused exceed \$150.00.

ARTICLE 8: CHANGES IN STATUS

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the Affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided in this Ordinance shall nullify any relief of real estate tax liability for the remainder of the current taxable year and the taxable year immediately following.

ARTICLE 9: VIOLATIONS

Any person or persons falsely claiming an exemption shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$250.00 nor more than \$1,000.00 for each offense.

ARTICLE 10: NOTICE

The Treasurer of Dickenson County, Virginia shall enclose written notice, in each real estate tax bill, of the terms and conditions of this Ordinance. The Treasurer shall also employ any other reasonable means necessary to notify residents of Dickenson

County about the terms and conditions of the real estate tax exemption program for elderly and disabled residents of Dickenson County.

ARTICLE 11: SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

ARTICLE 12: PRE-EXISTING ORDINANCE

This Elderly and Disabled Real Estate Tax Exemption Ordinance shall supersede and take the place of all other previous Elderly and Disabled Real Estate Tax Exemption Ordinances as previously adopted.

ARTICLE 13: CERTIFIED COPIES FILED

A certified copy of this Ordinance and all amendments thereto shall be filed in the office of the County Administrator and in the office of the Clerk of the Circuit Court of Dickenson County.

ARTICLE 14: DATE OF EFFECT

This Ordinance shall be in force from January 1, 2012.

WHEREUPON, this Ordinance is hereby adopted by the recorded vote of members of the Dickenson County Board of Supervisors. And thereupon, the Chairman of said Board of Supervisors upon presentation to him of said Ordinance approved and signed the same.

ADOPTED this the 28 day of FEBRUARY, 2012.

**DICKENSON COUNTY BOARD
OF SUPERVISORS**

By: Donnie W. Rife
Donnie Rife, Chairman

ATTEST:

G. David Moore, Jr.
G. David Moore, Jr., County Administrator