

**ADOPTION OF AN AMENDMENT TO CHAPTER 112
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, May 14, 2013, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

Amend Chapter 112 (Zoning Ordinance), as follows:

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 9, Violations, Infractions, and Penalties, as follows:

- **Amend Sect. 18-901, General Provisions, by revising Par. 4 to read as follows:**
 4. In addition to the remedies provided in Par. 3 above, the Zoning Administrator may seek the issuance of an inspection warrant, initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Ordinance.

- **Amend Sect. 18-902, Criminal Violations and Penalties, by revising Par. 1 to read as follows:**
 1. Except as otherwise provided by law, any violation of the provisions of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1000. Failure to remove or abate a zoning violation within the time period established by the Court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1000, and any such failure during any succeeding ten day period shall constitute a separate misdemeanor offense for each ten day period punishable by a fine of not less than \$100 nor more than \$1500

- **Amend of Sect. 18-903, Infractions and Civil Penalties, by revising Paragraphs 1, 2 and 4 to read as follows:**
 1. A violation of the provisions of this Ordinance, except for the posting of signs on public property or public rights-of-way, shall be deemed an infraction and shall be punishable by a civil penalty of \$200 for the first violation; and subsequent violations arising from the same set of operative facts shall be punishable by a civil penalty of \$500 for each separate offense.
 2. Each day during which any violation of the provisions under Par. 1 above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten (10) day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$5000.
 4. After having served a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions under Par. 1 above and if such violation has not ceased within such reasonable time as is specified in such notice, then, upon the approval of the County Attorney, the Zoning Administrator shall cause two (2) copies of a summons to be served upon such person.

This amendment shall become effective on May 15, 2013 at 12:01 a.m.

GIVEN under my hand this 14th day of May, 2013.

A handwritten signature in black ink, appearing to read "Catherine A. Chianese". The signature is written in a cursive style with a horizontal line underneath.

CATHERINE A. CHIANESE
Clerk to the Board of Supervisors