

Response to Questions on the FY 2009 Advertised Budget Plan

Request By: Supervisor McKay

Question: What is done with the funds raised as a result of court-ordered fines for zoning violations? How much is the total? Based on the new fee structure just passed by the General Assembly, how much more can we expect to generate?

Response: Court ordered fines for zoning violations are deposited in the General Fund, under the Office of the County Attorney in the category *Litigation Proceeds*. Revenue in this category includes fines collected for zoning enforcement violations, as well as other penalties set by the court for other types of cases and currently the various categories are not segregated. Annual revenue in this category varies considerably, as shown below:

FY 2004:	\$146,560
FY 2005:	\$245,357
FY 2006:	\$17,051
FY 2007:	\$122,215
FY 2008 YTD:	\$66,146

A change to the Code of Virginia enacted during the 2008 General Assembly may generate some additional revenue for the County. Effective July 1, 2008, the maximum criminal penalties were increased for failure to abate a violation of provisions regulating the number of unrelated persons in a single-family dwelling. While the maximum fine for the first conviction of these provisions remains \$2,000, the maximum fine for failure to abate the violation within the court specified time period was increased from \$2,000 to \$5,000. Each additional 10-day period after the specified time may be punishable by a fine of up to \$7,500 (previously \$2,500). The amount of revenue generated will be dependent on how many violations are addressed within the specified time frames and the court's willingness to impose the maximum fine. Because of the significant variability of annual revenue in this category, staff would not recommend increasing the current revenue estimate of \$122,215 included in the FY 2009 Advertised Budget Plan.