

ORDINANCE-3821

AN ORDINANCE TO AMEND SECTION 104
OF THE CITY ZONING ORDINANCE
PERTAINING TO CIVIL PENALTIES

Section Amended: § 104

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
BEACH, VIRGINIA:

That Section 104 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

Sec. 104. Violations and penalties.

- (a) Except as provided in subsection (b), any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance, within a time period established by the court. Failure to remove or abate a violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand dollars (\$1,000.00); and any such failure during a succeeding ten-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00); 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 more than two thousand dollars (\$2,000.00). However, any conviction resulting from a violation of provisions regulating the storage or disposal of nonagricultural excavation material, waste, and debris shall be punishable by a fine of \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of \$7,500.
- (b) Any person who violates any provision of Part B of Article 2, section 241.2, section 2303, or the use regulations regarding only short term rentals, of the City Zoning Ordinance hereof shall be assessed a civil penalty in the amount of two hundred dollars (\$200.00) for the initial summons and not more than five hundred dollars (\$500.00) for each additional summons. However, for any repeat violation on property that is zoned or used for multifamily residential purposes, the penalty shall be not more than (i) \$1,000 for a second violation and (ii) \$1,500 for a third or

subsequent violation, not to exceed an aggregate amount of \$6,000 for all such violations within a 12-month period. The assessment of a civil penalty shall not preclude the institution of a civil action by the zoning administrator pursuant to section 103(a) of this ordinance, but no such violation shall, unless it results in injury to any person, be prosecuted as a criminal misdemeanor, provided however that when such civil penalties total five thousand dollars (\$5,000.00) or more, the violation may be prosecuted as a criminal misdemeanor.

- (c) The zoning administrator or his or her designee may issue a civil summons as provided by law for a violation. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the city treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. Notwithstanding a court's authority to order the abatement or remedy of a zoning violation for any violation involving property that is zoned or used for multifamily residential purposes, any person who admits liability shall be required to abate or remedy such violation within six months from the date of admission of liability. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. In any trial for a violation, it shall be the burden of the zoning administrator or his or her designee to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.
- (d) Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and, for violations that do not involve property that is zoned or used for multifamily residential purposes, a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of five thousand dollars (\$5,000.00). Civil penalties shall not accrue or be assessed for a period of thirty (30) days after the issuance of a notice of violation from the zoning administrator or during the pendency of an appeal to the board of zoning appeals.
- (e) This section shall not apply to (i) activities related to land development; (ii) violations of sections 215 and 216 of this ordinance; (iii) violations relating to the

91 posting of signs on public property or public rights-of-way; or (iv) violations resulting
92 in injury to any person or persons.

Adopted by the Council of the City of Virginia Beach, Virginia, on the 12th day of August, 2025.