

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

City of Charlottesville

Circuit Court

Board of Supervisors of the County of Albemarle, Virginia v./In re: City Council of the City of Charlottesville, Virginia, City

PLAINTIFF(S) and County of Albemarle, Virginia

DEFENDANT(S) of Charlottesville, Virginia, and Maurice Jones

I, the undersigned [] plaintiff [] defendant [X] attorney for [X] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[] Divorce (select one)
[] Complaint - Contested*
[] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[X] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[X] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[] Damages in the amount of \$ are claimed.

04/20/17

DATE

Greg Kamptner (VSB #33788)

PRINT NAME

401 McIntire Road, Suite 325, Charlottesville, Virginia 22902

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

434-972-4067

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

[] PLAINTIFF [] DEFENDANT [X] ATTORNEY FOR

[X] PLAINTIFF [] DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE

**BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA,**

and

**COUNTY OF ALBEMARLE, VIRGINIA,
a political subdivision of the Commonwealth
of Virginia,**

Plaintiffs,

v.

**CITY COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA,**

Serve: **S. Craig Brown, City Attorney
City of Charlottesville
City Hall
606 East Market Street
Charlottesville, Virginia 22902**

Case No.

**CITY OF CHARLOTTESVILLE,
VIRGINIA,**

Serve: **S. Craig Brown, City Attorney
City of Charlottesville
City Hall
606 East Market Street
Charlottesville, Virginia 22902**

and

MAURICE JONES,

Serve: **S. Craig Brown, City Attorney
City of Charlottesville
City Hall
606 East Market Street
Charlottesville, Virginia 22902**

Defendants.

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

The Board of Supervisors of the County of Albemarle, Virginia (hereinafter, the "Board of Supervisors"), and the County of Albemarle, Virginia (hereinafter, the "County"), bring this

FILED
April 20, 2017
(Date & Time) *2:37 p.*
City of Charlottesville
Circuit Court Clerk's Office
Llezele A. Dugger, Clerk
By *Antonia Spivak*
Deputy Clerk

Complaint for Declaratory Judgment and Injunctive Relief against the City Council of the City of Charlottesville, Virginia (hereinafter, the “City Council”), the City of Charlottesville, Virginia (hereinafter, the “City”), and Maurice Jones, and allege as follows:

Introduction

1. The Ragged Mountain Reservoir (hereinafter, the “Reservoir”) is a public drinking water supply serving residents and businesses in both the City and in Albemarle County. The Reservoir is located in the unincorporated territory of Albemarle County on lands owned by the City. The public drinking water supply and the waterworks system at the Reservoir are operated by the Rivanna Water and Sewer Authority (hereinafter, the “Authority”).

2. This Complaint arises from a controversy between the County and the City over which locality’s regulations govern recreational activities at the Reservoir. The County’s regulations pertaining to the Reservoir, originally adopted by ordinance on December 9, 1981, do not allow bicycling at the Reservoir; the City’s regulations, adopted by ordinance on December 19, 2016, allow bicycling at the Reservoir. The County’s and the City’s regulations also have other, lesser, conflicts within one another.

Parties

3. Plaintiff Board of Supervisors is the duly elected governing body of the County. Under Sections 15.2-504 and 15.2-1421 of the Code of Virginia, 1950, as amended (hereinafter, the “Virginia Code”), the Board of Supervisors exercises all legislative powers for the County, which include adopting ordinances.

4. Plaintiff County is a political subdivision of the Commonwealth of Virginia.

5. Defendant City Council is the duly elected governing body of the City. Under Section 5(b) of the Charter of the City of Charlottesville (hereinafter, the “City Charter”), the City Council exercises all legislative powers for the City, which include adopting ordinances.

6. Defendant City is a political subdivision of the Commonwealth of Virginia.

7. Defendant Maurice Jones is the City Manager of the City. Under Section 5(f) of the City Charter, the City Manager supervises and manages all City departments and employees.

Ragged Mountain Reservoir

8. The Reservoir is located beyond the corporate limits of the City and within the unincorporated territory of Albemarle County on what were originally lands shown on County Tax Maps 59, 74, and 75, and which are now identified as County Tax Map Parcel 07500-00-00-00100 (hereinafter, the "Parcel").

9. The Parcel is owned by the City.

10. The Rivanna Water and Sewer Authority was established by the City and the County on June 7, 1972, pursuant to the Virginia Water and Waste Authorities Act (Virginia Code § 15.2-5100 *et seq.*). In a series of agreements and deeds conveying various interests, the City leases all water rights in the Reservoir to the Authority, as well as the rights to maintain and operate all impoundment and pumping facilities, and to withdraw all water that may be available. The Authority also owns certain infrastructure related to transmitting water to and from the Reservoir. The Authority is the sole producer and seller of potable water to the City and the Albemarle County Service Authority, the latter of which distributes potable water to customers in Albemarle County. At all times relevant to this case, the Authority's governing body included representatives from both the City and the County.

Count 1: Declaratory Judgment; Virginia Code § 8.01-184

The County's Regulations

11. The Board of Supervisors and the County incorporate herein and re-aver the allegations set forth in foregoing paragraphs 1 through 10.

12. The County regulates by ordinance recreational activities at all of the public water supply reservoirs located in Albemarle County, including the Reservoir.

13. The express purpose for regulating recreational activities at the public water supply reservoirs located in Albemarle County is to protect the public water supply and prevent water pollution by limiting recreational activity around the water supply. Albemarle County Code § 11-300(A) states in part: “In order to prevent the pollution of the public water supply, water supply reservoirs utilized by the Rivanna Water and Sewer Authority identified in this article may be used for limited recreational purposes only as authorized herein.”

14. Albemarle County Code § 11-303 authorizes hiking, picnicking, birdwatching, and fishing, as well as certain activities on the water itself, at the Reservoir.

15. Albemarle County Code § 11-303 also provides that any activity not expressly authorized under Albemarle County Code § 11-303 is prohibited, and expressly identifies six prohibited activities: swimming, hunting, trapping, the discharge of firearms, camping, and motor vehicles except on designated paved or improved roads or in designated parking areas.

16. The Board of Supervisors’ minutes from its November 11, 1981 meeting, when the proposed ordinance to regulate recreational activities at public water supply reservoirs was presented for the Board to consider scheduling the ordinance for a public hearing, state that the County Executive said that the ordinance was “submitted by the Rivanna Water and Sewer Authority” and that the “need for the ordinance is a part of the reservoir protection activities of the City and the County, but principally for the Rivanna Water and Sewer Authority who are responsible for the quality of the drinking water in the County and City water systems.”

17. Albemarle County Code § 11-303 was originally adopted by the Board of Supervisors on December 9, 1981. The Board of Supervisors’ minutes from its December 9, 1981 meeting state that the proposed ordinance was reviewed by the Authority and the Charlottesville City Council.

Albemarle County Code § 11-303 was last amended on July 6, 2011 to address a State law change regarding the carrying of firearms. The Board of Supervisors and the County are informed and believe and allege thereon that the City and the City Council supported the County's regulations, including Albemarle County Code § 11-303.

18. Albemarle County Code § 11-303 is enabled by Virginia Code §§ 15.2-1200 and 15.2-2144. True and correct copies of Albemarle County Code §§ 11-300 and 11-303 are attached hereto as Exhibit A.

The City's December 19, 2016 Ordinance

19. On December 19, 2016, on a 3-2 vote, the City Council adopted an ordinance regulating activities at the Reservoir, amending the Charlottesville City Code by adding Charlottesville City Code §§ 18-21 through 18-27 (the "Ordinance"). A true and correct copy of the Ordinance is attached hereto as Exhibit B.

20. Charlottesville City Code § 18-24 authorizes hiking, jogging, and bicycling on designated trails, picnicking, birdwatching, and fishing, as well as certain activities on the water itself, at the Reservoir.

21. Charlottesville City Code § 18-25 provides that any activity not expressly permitted under Charlottesville City Code § 18-24 is prohibited, and expressly identifies thirteen prohibited activities, including swimming, hunting, trapping, the discharge of firearms, and overnight camping.

22. Charlottesville City Code § 18-21 states that the Ordinance is enabled by Virginia Code §§ 15.2-1725 and 15.2-2109.

23. The first paragraph of Virginia Code § 15.2-1725 provides in relevant part:

Any locality owning and operating [a] . . . public water supply or watershed, public park, recreational area, . . . and other public property located beyond the limits of the locality shall have and may exercise full police power over the property, and over persons using the property, and may, by ordinance, prescribe rules for the operation and use of the property and for the conduct of all persons using the property and may, further, provide penalties for the violation of such rules contained in an

ordinance; such penalties, however, shall not exceed those provided by general law for misdemeanors. **However, no ordinances in conflict with an ordinance of the jurisdiction wherein the property is located shall be enacted. (boldface added)**

24. Charlottesville City Code § 18-24 is in conflict with Albemarle County Code § 11-303 because Charlottesville City Code § 18-24 authorizes recreational activities, including bicycling, at the Reservoir that are not authorized by Albemarle County Code § 11-303. Because the activities authorized under Charlottesville City Code § 18-24 are in conflict with Albemarle County Code § 11-303, Charlottesville City Code § 18-25 is also in conflict with Albemarle County Code § 11-303.

25. Charlottesville City Code §§ 18-24 and 18-25 are *ultra vires* and void pursuant to Virginia Code § 15.2-1725 because they violate the express requirements of that statute by conflicting with Albemarle County Code § 11-303, as alleged in paragraphs 20 through 24 of this Complaint.

26. Virginia Code § 15.2-2109(A) provides in relevant part:

Any locality may (i) acquire or otherwise obtain control of or (ii) establish, maintain, operate, extend and enlarge: waterworks, sewerage, gas works (natural or manufactured), electric plants, public mass transportation systems, stormwater management systems and other public utilities within or outside the limits of the locality and may acquire within or outside its limits in accordance with § 15.2-1800 whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending or enlarging waterworks, sewerage, gas works (natural or manufactured), electric plants, public mass transportation systems, stormwater management systems and other public utilities, and the rights-of-way, rails, pipes, poles, conduits or wires connected therewith, or any of the fixtures or appurtenances thereof. As required by subsection C of § 15.2-1800, this section expressly authorizes a county to acquire real property for a public use outside its boundaries.

The locality may also prevent the pollution of water and injury to waterworks for which purpose its jurisdiction shall extend to five miles beyond the locality. It may make, erect and construct, within or near its boundaries, drains, sewers and public ducts and acquire within or outside the locality in accordance with § 15.2-1800 so much land as may be necessary to make, erect, construct, operate and maintain any of the works or plants mentioned in this section. (boldface added)

27. Charlottesville City Code §§ 18-21 through 18-27 are not enabled by Virginia Code § 15.2-2109(A) and are therefore *ultra vires* and void because Virginia Code § 15.2-2109(A) does not

enable the City to enact an ordinance to prevent the pollution of water and injury to waterworks beyond its corporate limits and, even if it did, Virginia Code § 15.2-2109(A) does not further enable the City to enact an ordinance that conflicts with a County ordinance.

28. Paragraph “Sixteenth” of Section 14 of the Charlottesville City Charter (hereinafter, the “City Charter”) authorizes the City Council to adopt ordinances “not inconsistent with the provisions of this charter.” Paragraph “Twentieth” of Section 14 of the City Charter authorizes the City Council to adopt ordinances as it may deem “necessary for the good order and government of the city, the management of its property,” and for other purposes, provided that the ordinances are “not repugnant to the Constitution and laws of the State.” Section 17 of the City Charter provides that the City Council “shall have power to make and pass all proper and needful” ordinances, provided that they are “not contrary to the Constitution and laws of said State.”

29. Charlottesville City Code §§ 18-21 through 18-27 violate the City Charter and are therefore *ultra vires* and void because, for the reasons alleged in paragraphs 19 through 27 of this Complaint, they are repugnant and contrary to State law.

The Actual Controversy

30. The Board of Supervisors and the County have justiciable interests in this matter because the Board of Supervisors is enabled under Virginia Code §§ 15.2-504 and 15.2-1421 to adopt ordinances and regulations that apply to the unincorporated territory of Albemarle County. More specifically, the County, through its Board of Supervisors, is enabled under Virginia Code §§ 15.2-1200 and 15.2-2144 to adopt Albemarle County Code § 11-303. These ordinances and regulations are paramount to any ordinance enacted by the governing body of any co-equal locality such as the City. The Board and the County seek a declaration of their rights and powers as a result of the conflict between Albemarle County Code § 11-303 and Charlottesville City Code §§ 18-21 through 18-27.

31. An actual controversy exists between the parties because the City Council adopted the Ordinance on December 19, 2016, to regulate activities beyond its corporate limits and within the unincorporated territory of Albemarle County. The Ordinance conflicts with Albemarle County Code § 11-303 because the Ordinance attempts to permit bicycling and other activities which the County prohibits.

32. The City Council's adoption of the Ordinance, which conflicts with Albemarle County Code § 11-303, is an actual antagonistic assertion of the City's right to purportedly regulate activities by ordinance beyond its corporate limits, and denies the right of the County and the Board of Supervisors to administer its own regulations within the unincorporated territory of Albemarle County.

33. The Ordinance threatens and damages the County's authority over the unincorporated territory of Albemarle County, imposes regulations within the unincorporated territory of Albemarle County even though the City Council is not the duly elected governing body authorized to exercise legislative powers affecting County residents, and creates confusion and uncertainty in members of the public who visit or may visit the Reservoir and may not know what regulations apply.

34. The City, the City Council, and City personnel have rejected requests by the Board of Supervisors and County personnel to refrain from implementing the Ordinance since the Ordinance was adopted on December 19, 2016. On April 3, 2017, the City Council approved a "Ragged Mountain Trail Use Plan" which identifies trails for hiking, bicycling, and jogging at the Reservoir. A true and correct copy of the Ragged Mountain Trail Use Plan approved by the City Council is attached hereto as Exhibit C.

35. Members of the City Council and City personnel are actively encouraging members of the public to ride bicycles on the trails at the Reservoir, even though they have been informed by

the Chair of the Board of Supervisors and County personnel that Albemarle County Code § 11-303 prohibits bicycling at the Reservoir.

36. Maurice Jones, as City Manager, supervises and manages employees of the City's Parks and Recreation Department who are encouraging members of the public to ride bicycles on the trails at the Reservoir and are constructing trails, or supervising the construction of trails, at the Reservoir intended to be used for bicycling, even though Albemarle County Code § 11-303 prohibits bicycling at the Reservoir.

37. On October 19, 2015, County personnel informed City personnel that Virginia Code § 15.2-1725 prohibited the City from enacting an ordinance in conflict with Albemarle County Code § 11-303. County personnel made three similar communications to City personnel between that date and December 9, 2016.

38. Before the City Council voted to enact the Ordinance on December 19, 2016, it rejected the Board of Supervisors' request that the City Council defer acting on the Ordinance.

39. Immediately after it adopted the Ordinance on December 19, 2016, the City Council passed a motion "that City Council request the Albemarle County Board of Supervisors to amend Albemarle County Code sec. 11-303" by making specific changes to that code section.

Count 2: Injunctive Relief; Virginia Code § 8.01-620

40. The Board of Supervisors and the County incorporate herein and re-aver the allegations set forth in foregoing paragraphs 1 through 39.

41. The Board of Supervisors and the County have no adequate remedy at law.

42. The Board of Supervisors and the County are suffering, and will continue to suffer, irreparable injury because the City Council, through the Ordinance, is purportedly exercising its governmental powers in, and dominion over, the unincorporated territory of Albemarle County even though it has no power to do so; the Ordinance subverts and denigrates the authority of the

County over the unincorporated territory of Albemarle County; the City and City Council are encouraging members of the public to ride bicycles at the Reservoir in violation of Albemarle County Code § 11-303, which, as a result, will increase prohibited human activity at the Reservoir; the City and the City Council are usurping the presumptively valid legislative action taken by the elected representatives of the residents of Albemarle County; and the City and the City Council have created a regulatory environment that confuses the members of the public and makes enforcement of Albemarle County Code § 11-303 impracticable.

WHEREFORE, the Board of Supervisors of the County of Albemarle, Virginia, and the County of Albemarle, Virginia, pray for entry of judgment in favor of them and against the City Council of the City of Charlottesville, the City of Charlottesville, and Maurice Jones as follows:

1. A declaration that Charlottesville City Code §§ 18-21 through 18-27 are *ultra vires* and void pursuant to Virginia Code §§ 15.2-1725 and 15.2-2109 because those sections of the Charlottesville City Code are not enabled by those statutes nor any other State law.
2. A declaration that Charlottesville City Code §§ 18-21 through 18-27 are *ultra vires* and void pursuant to the Charlottesville City Charter.
3. A declaration that Charlottesville City Code §§ 18-24 and 18-25 are *ultra vires* and void pursuant to Virginia Code § 15.2-1725 because they conflict with Albemarle County Code § 11-303.
4. A preliminary and permanent injunction ordering the City Council, the City, and Maurice Jones to refrain from promoting bicycling at the Reservoir and encouraging members of the public to ride bicycles at the Reservoir unless and until the Board of Supervisors adopts an ordinance authorizing bicycling at the Reservoir.

5. A preliminary and permanent injunction prohibiting the City from allowing members of the public to ride bicycles at the Reservoir unless and until the Board of Supervisors adopts an ordinance authorizing bicycling at the Reservoir.

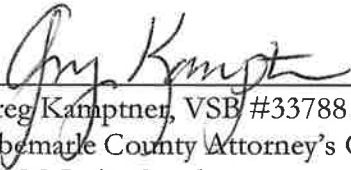
6. A permanent injunction ordering the City Council to repeal any provisions of Charlottesville City Code §§ 18-21 through 18-27 that are in conflict with Albemarle County Code § 11-303.

7. Costs.

8. Other additional relief as the Court deems necessary and proper.

Respectfully Submitted,

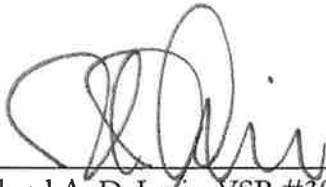
Board of Supervisors of the County of Albemarle,
Virginia, and County of Albemarle, Virginia
By Counsel



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Exhibit A

**ARTICLE III. WATER SUPPLY RESERVOIRS UTILIZED
BY THE RIVANNA WATER AND SEWER AUTHORITY**

11-300 Generally.

A. In order to prevent the pollution of the public water supply, water supply reservoirs utilized by the Rivanna Water and Sewer Authority identified in this article may be used for limited recreational purposes only as authorized herein.

B. Permits required by this article for an authorized recreational use shall be issued by the Rivanna Water and Sewer Authority. Each permit issued may be subject to conditions further regulating the use or activity authorized by the permit and such conditions may include, but are not limited to, a condition regulating the type of fuel authorized. The issuance of a permit by the Rivanna Water and Sewer Authority shall not be deemed to be approval of such use or activity by the county pursuant to its zoning ordinance.

C. The hours during which the water supply reservoirs are open for public use shall be posted at the entrances and major access points for each reservoir area.

(12-9-81; 2-11-87; Code 1988, §§ 14-12, 14-20, 14-22; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2109.

Sec. 11-303 Ragged Mountain Reservoir.

Uses and activities within the boundaries of the Ragged Mountain Reservoir shall be regulated as provided herein:

A. *Boundaries of reservoir.* The boundaries of the upper and lower reservoir are shown on maps on file in the office of the clerk of the board of supervisors, entitled "Ragged Mountain Reservoir, Tax Maps 59, 74, 75."

B. *Authorized activities.* Fishing which is conducted in compliance with all applicable state statutes and regulations, hiking, birdwatching and picnicking shall be authorized within the boundaries of both the upper and lower reservoir.

C. *Activities authorized only by permit.* Canoeing and boating with boats not operated by internal combustion engines are authorized within the boundaries of both the upper and lower reservoir only pursuant to a permit issued by the Rivanna Water and Sewer Authority.

D. *Prohibited activities.* Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of both the upper and lower reservoir.

E. *Boats.* All boats operated with internal combustion engines shall be prohibited within the boundaries of both the upper and lower reservoir, except for those boats operated by the Rivanna Water and Sewer Authority and the Virginia Department of Game and Inland Fisheries for official purposes. Boats equipped with internal combustion engines whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the upper and lower reservoir. If such boats are equipped with or utilize removable gas tanks, the gas tanks shall be removed prior to entering reservoir waters.

F. *Motor vehicles.* Motor vehicles shall be prohibited from all but designated paved or improved roads and designated parking areas.

G. *Fires.* Fires shall be prohibited, except for those within a picnic grill or those required and approved by the Rivanna Water and Sewer Authority as part of the watershed management program.

(12-9-81; 6-8-83; 2-11-87; Code 1988, §§ 14-13, 14-15, 14-19, 14-21, 14-23; Ord. 98-A(1), 8-5-98; Ord. 11-11(1), 7-6-11)

State law reference--Va. Code § 15.2-2109.

Exhibit B

**AN ORDINANCE
TO ADD A NEW ARTICLE III, SECTIONS 18-21 THROUGH 18-27,
TO CHAPTER 18 (PARKS AND RECREATION)
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,
ENTITLED RAGGED MOUNTAIN NATURAL AREA RULES OF USE**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Chapter 18 (Parks and Recreation) of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained to add a new Article III (Ragged Mountain Natural Area Rules of Use), Sections 18-21 through 18-27, to Chapter 18, which Article shall read as follows:

ARTICLE III. RAGGED MOUNTAIN NATURAL AREA RULES OF USE

Sec. 18-21. Authority.

This Article is enacted pursuant to the authority set forth in Virginia Code sections 15.2-1725 and 15.2-2109.

Sec. 18-22. Purpose.

The purpose of this Article is to establish reasonable rules and regulations that permit certain recreational uses and activities at the Ragged Mountain Natural Area, while insuring the preservation and protection of the Ragged Mountain Reservoir public water supply and the surrounding habitat.

Sec. 18-23. Definition.

As used herein the term "Ragged Mountain Natural Area" or "Natural Area" includes the Ragged Mountain Reservoir and the surrounding City-owned real property identified in County of Albemarle Real Property Tax Assessment records as Parcel ID: 07500-00-00-00100, which parcel is shown on County Tax Maps 59, 74 and 75. The City Department of Parks and Recreation shall maintain on file and available for inspection a map or maps of the boundaries of the Ragged Mountain Natural Area.

Sec. 18-24. Authorized activities.

The following activities are permitted in the Ragged Mountain Natural Area:

- (a) Hiking and jogging on designated trails, picnicking and birdwatching;
- (b) Bicycling on designated trails;
- (c) Kayaking, canoeing, and boating on the Reservoir; the use of electric motors is permitted, but gasoline marine motors are prohibited, except when used by Rivanna Water and Sewer Authority employees, agents or contractors for purposes related to the maintenance or surveillance of the dam and the water supply; and,
- (d) Fishing that is conducted in compliance with all state regulations and licensing requirements.

Sec. 18-25. Prohibited activities.

Any activity not expressly permitted by this Article is prohibited within the Ragged Mountain Natural Area. These prohibited activities include, but are not limited to:

- (a) Trapping, hunting, or the discharge of firearms;

- (b) Camping or remaining in the Natural Area after sunset;
- (c) Swimming or diving in the Ragged Mountain Reservoir;
- (d) Setting, maintaining or allowing any fire;
- (e) Consumption of alcoholic beverages;
- (f) Horse riding, except when authorized by special permit issued through the City Department of Parks and Recreation;
- (g) Using motor vehicles except on roads paved or improved for vehicular traffic and in designated parking areas; provided that the prohibition of motor vehicles shall not apply to approved ADA mobility assistance devices;
- (h) Accessing the Reservoir's auxiliary spillway, except on designated trails;
- (i) Storing boats or other personal property at the Natural Area; allowing motor vehicles to remain in the parking area after sunset; or mooring boats on the Reservoir;
- (j) Littering or leaving trash or refuse in the Natural Area; and,
- (k) The transporting or releasing of wildlife or the disturbance of nests or nesting sites;
- (l) Conducting organized running or bicycling races or competitions.
- (m) Bringing any dog, except for a service animal, into the Natural Area.

Sec. 18-26. Natural Area Hours.

It shall be unlawful for any person to enter or remain on the premises of the Ragged Mountain Natural Area between sunset and 7:00 a.m. without the express written permission of the Director of the City Department of Parks and Recreation. Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

Sec. 18-27. Management, enforcement and penalties.

(a) The Director of the City Department of Parks and Recreation, or his or her designee, shall be responsible for the maintenance and management of the Ragged Mountain Natural Area, for the enforcement of the provisions of this Article, for posting appropriate signage at the Natural Area, and for adopting ancillary operating rules and regulations, if necessary, for the Natural Area that are not inconsistent with this Article.

(b) The City Manager or the Director of the City Department of Parks of Recreation or their respective designees may, after a hearing, prohibit any person from using the Ragged Mountain Natural Area for a reasonable period of time due to a serious or repeated violation of the provisions of this Article.

(c) It shall be unlawful for any person to violate the provisions of this Article governing the use of the Ragged Mountain Natural Area. Except as expressly provided in section 18-26, any person violating any of the provisions of this Article shall be guilty of a Class 4 misdemeanor, or as such violations may otherwise be punishable under state law.

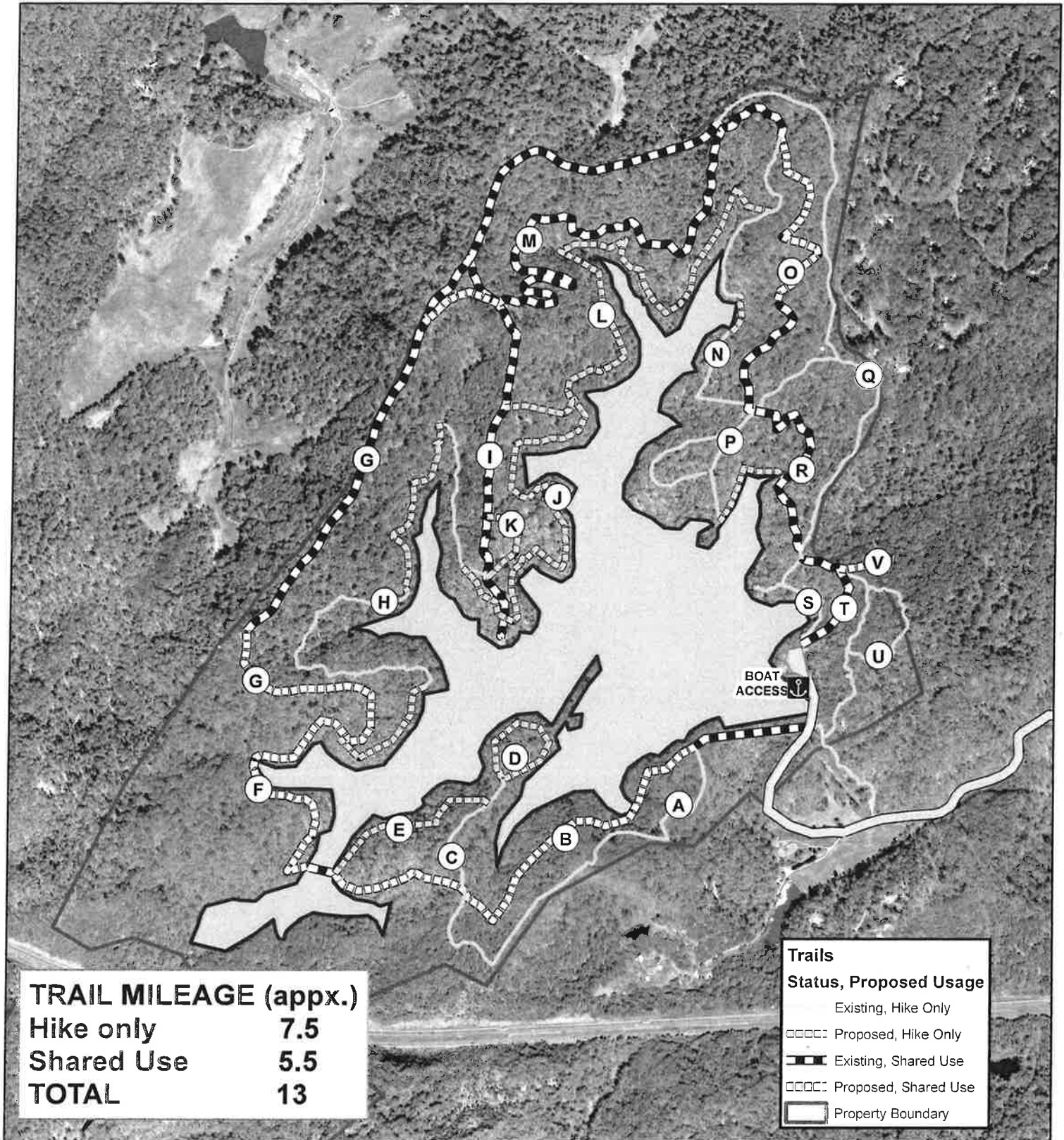
Exhibit C



RAGGED MOUNTAIN TRAIL USE PLAN

Hiking permitted on all trails and exclusivley on brown trails
Biking/Jogging permitted only on checkered trails

Approved by City Council April 3, 2017



0 0.25 0.5 1 Miles

Trail locations are field located during construction with approximate routing shown in plan. Final locations will depend on site specific conditions and field verification.

Ragged Mountain Trail Use Plan Trail Alignment Descriptions

Sections are labeled A-V starting from the parking lot and going clockwise around the reservoir.

April 3, 2017

This document describes the rationale behind the locations for proposed trails and permitted uses on the accompanying map. Staff was directed by City Council to create a draft trail use plan that accommodates hiking, jogging, and biking around the reservoir, provide for a separated pedestrian only trail as much as possible, and takes into account environmental and topographical limitations. This plan provides for nearly 90% of the trail to be separated with the exception of the environmentally sensitive area in the southwest corner of the property. This is near the floating bridge where staff believes one shared trail close to the reservoir shoreline is the most appropriate means of protecting the sensitive area from human encroachments. The corridors noted on the map are somewhat broadly defined as final exact trail placement will be determined by staff and informed by comments from users on the proposed alignments.

- A. The existing trail from the dam to the peninsula is designated hiking/jogging only.
- B. On the west side of the spillway a new shared use trail can be built closer to the reservoir, roughly 50 feet in from shore. The terrain is somewhat steep and passes through a mountain laurel area for a portion, then can cross over the existing trail/roadbed towards the bridge.
- C. Portions of trail in this area are along old roadbeds. The roadbed is wide, but may be steeper than desired in some areas. Options for rerouting it are limited and use of the old roadbed may be the best option to reduce further ground disturbance. Where possible, rerouting or modification should be done to create a more sustainable trail.
- D. The peninsula is designated hiking only (no jogging) to allow for quiet enjoyment of nature.
- E. A new hiking only trail will be built near the shore to the floating bridge.
- F. On the west side of the bridge, only one shared use trail is proposed near the lake shore. This area is already somewhat disturbed, and keeping the trail below the sensitive area will limit the threat of spread of invasives in accordance with the Ecological study recommendation. DEQ recommended using the upper roadbed since it already exists, but that portion is not on City property and the road going uphill from the bridge is not sustainable due to steep grades. A small footbridge where the tributary meets the reservoir will prevent the need to have any trail intrude up the hollows into the sensitive areas. The existing unplanned trail leading uphill from the bridge will need to be properly routed on contours to be sustainable and safe.
- G. An old driveway/roadbed leads from the reservoir up to the maintenance road on the property boundary. This driveway lends itself well to shared use, and is already disturbed. The upper maintenance road from the top of this old driveway to a point just before Ednam Forest is proposed for shared use.
- H. The hiking/jogging only trail can follow the reservoir shore, connect to the existing trail built by Ivy Creek Foundation in the next hollow, and will require construction of another section near the shore to connect to existing trails that lead to the old upper dam access road bed.
- I. The old upper dam access road bed is wide and flat and well suited for shared use.

- J. Terrain between the old upper dam access road bed and the next two hollows leading towards the tunnel is quite steep. This trail may not be needed if users can agree to share the old upper dam road bed for about 300 yards.
- K. The old waterworks pump valves and sluice offer a good hike only side trail and interpretive opportunity.
- L. There are a number of ravines running down the next hill towards the lake, so the new hiking only trail should either be located above these ravines, or along the reservoir shore, and may require some small footbridges over the ravines. There is an old driveway/roadbed that might be more suitable for trail use, and intersects with the upper dam road at a good location to diverge a hiking and jogging only trail towards the tunnel. From the tunnel to the eagle bridge, a new trail is proposed near the reservoir shore.
- M. The existing trail that has switchbacks leading down to the tunnel is proposed for shared use and may require limited improvement for such use. This trail connects to the upper roadbed.
- N. The existing trail along the reservoir shore is proposed for hiking and jogging only and connects to the Bear Statue. The last portion will need some rerouting since it follows an old roadbed used by ICF as a trail that is too steep in some areas.
- O. A new shared use alignment has been flagged to avoid use of the upper roadbed behind Ednam Forest in accordance with neighborhood request. This trail includes new portion to be built that is just out of sight of the Ednam residences, then connects to and uses the existing trail to the bear statue. The alignment of this trail will need to be field verifies and might shift somewhat based on ground conditions. It is intended to avoid entering the pine forest stand.
- P. The roadbed leading from the water tower to the lake, including a loop trail on the peninsula, is proposed for hiking only.
- Q. The upper roadbed along the back of Ednam Forest is proposed for hiking only all the way to the mountain man statue.
- R. The existing trail from the bear to the mountain man is proposed for shared use and may require some improvements.
- S. The existing lower trail from the mountain man to the parking lot is proposed for hiking only.
- T. The upper roadbed from the mountain man to the parking lot is proposed for shared use.
- U. Roundtop Mountain trails and the link trail from the lower parking lot are proposed for hiking only (no jogging). There is an existing trail going up to Roundtop that is too steep and may require re-routing
- V. If the connection is desired to the Ragged Mountain trails from adjacent property and biking is permitted on that property, a new shared use link would need to be constructed to avoid existing Roundtop trails.