

**ORDINANCE**  
**AMENDING AND RE-ORDAINING**  
**SECTION 30-254 (EXEMPTIONS), SECTION 14-19 (CLASS IV: REPAIR, PERSONAL,**  
**BUSINESS AND OTHER SERVICES, AND ALL OTHER BUSINESSES AND**  
**OCCUPATIONS NOT SPECIFICALLY LISTED, EXCEPTED, EXEMPTED IN THIS**  
**CHAPTER), AND SECTION 34-1200 (DEFINITIONS),**  
**TO UPDATE LANGUAGE.**

**Sec. 30-254. - Exemptions**

No tax shall be payable under this article on any charge for lodging in, and during care or treatment in, any hospital, medical clinic, nursing or convalescent home, extended health care facility, sanatorium or sanitorium, home for the aged, infirmed, orphaned, disabled, or ~~mentally retarded~~ or other like facility; or in any dormitory, as that term is defined in chapter 34, section 34-1200 of this Code.

(Code 1976, § 10-67; 6-16-14; Ord. No. O-21-138 , 10-4-21; Ord. No. O-22-136 , § 1, 10-27-22)

**Sec. 14-19. - Class IV: Repair, personal, business and other services, and all other businesses and occupations not specifically listed, excepted, exempted in this chapter.**

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*(d) Subclassification C.* Persons engaged in the following types of business shall obtain a city business license and shall pay an annual license tax of thirty cents (\$0.30) per hundred dollars (\$100.00) of gross receipts:

(13) Hospitals, nursing homes, rest homes, homes for the aged, mentally ill or ~~retarded~~ disabled and similar facilities, if operated for profit.

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**Sec. 34-1200. – Definitions.**

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*Adult assisted living* means a residential facility in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to them by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the ~~State Department of Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services, or any other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia, § 63.2-100.

*Adult day care* means a facility that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of ~~Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services; or the home or residence of an individual who cares only for persons related to them by blood or marriage.

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*Occupancy, residential* for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, ~~mentally retarded,~~ developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

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*Residential treatment facility* means a residential facility in which no more than eight (8) persons reside, together with one (1) or more resident counselors or other resident staff person(s), and for which either (i) the State Department of ~~Mental Health, Mental Retardation and~~

~~Substance Abuse Services~~Behavioral Health and Developmental Services, or (ii) in the case of a children's residential facility, as defined with Code of Virginia § 63.2-100, the Department of Social Services is the state licensing authority.