

288 AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF AUGUST, NINETEEN HUNDRED NINETY-SIX, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Executive Session

Mr. Sisk called the meeting to order and Mr. Edwards made a motion to go into executive session pursuant to Section 2.1-344(A)(7) of the Code of Virginia to consult with legal and staff members on a legal matter and pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider personnel matters including appointment of individuals to County boards and/or commissions.

Mr. Sisk reconvened the Board into open session at 6:18 p.m.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTION

MEETING DATE: August 13, 1996

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive

meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Sisk made a motion to recess the Board for dinner.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

The Board recessed at 6:19 p.m.

C. **MINUTES - July 23, 1996**

Mr. Sisk asked if there were additions or corrections to the minutes.

Mr. Sisk made a motion to approve the minutes.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

D. **Appointment of County Administrator**

Mr. Sisk expressed the Board's pleasure at officially appointing Mr. Sanford B. Wanner to the position of County Administrator.

Each Board member commended Mr. Wanner for his excellent service to local government and supported the appointment and the opportunity to continue that relationship.

Mr. Wanner responded that he was honored and privileged to serve the Board and citizens and looked forward to leading staff in a working partnership with citizens to achieve a quality community with its rich heritage.

RESOLUTION

COUNTY ADMINISTRATOR APPOINTMENT

WHEREAS, the position of County Administrator is currently vacant; and

WHEREAS, the Board of Supervisors is unanimous in its enthusiastic support for Sanford B. Wanner who has proven both his effectiveness and his commitment to the community while serving as the Assistant County Administrator since 1990 and as the Acting County Administrator since April 15, 1996; and

WHEREAS, details regarding salary and benefits are contained in an employment agreement signed by Mr. Wanner and the Board Chairman on July 26, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Sanford B. Wanner is hereby appointed to the position of County Administrator for James City County effective August 13, 1996.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), stated that Route 199 projects were on schedule, and he was available for questions.

Discussion by the Board and Mr. Brewer followed regarding a tour to observe a neighborhood's view of sound walls. Mr. Wanner, on behalf of the Board, set the site tour with VDOT personnel regarding sound walls for 1:00 p.m., Thursday, August 22, 1996.

Mr. Taylor asked for a review as to whether the State could place a sign identifying Diascund Creek where it crosses Route 60 at James City/New Kent Counties line.

F. CONSENT CALENDAR

Mr. Sisk asked if a Board member wished to remove any items from the Consent Calendar.

Mr. Wanner asked that Item No. 2, James City County/Williamsburg Community Hospital, Inc., Lease Agreement, be withdrawn for final staff review and brought back to the September 10, 1996 Board of Supervisors' meeting.

Mr. Sisk made a motion to approve Item Nos. 1, 3, 4, and 5 on the Consent Calendar.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

1. Bank Resolution, Crestar Bank**RESOLUTION****CRESTAR**

BE IT RESOLVED that Crestar, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts designated below:

JAMES CITY COUNTY GENERAL FUND
ACCOUNT NUMBERS: 9500472
021618567

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by two of the following:

Sanford B. Wanner
County Administrator

OR

Betty S. Pettengill
Treasurer

OR

Barbara S. Miller
Deputy Treasurer

OR

Christal D. Crawley
Accounting Technician

OR

Debra J. Pinson
Fiscal Technician

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Betty S. Pettengill, Treasurer, or Barbara S. Miller, Deputy Treasurer, or Christal D. Crawley, Accounting Technician, or Debra J. Pinson, Fiscal Technician. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

3. Amendment of Joint Powers Agreement, Community Criminal Justice Board

RESOLUTION

JOINT EXERCISE OF POWERS AGREEMENT AMENDMENT

WHEREAS, the Board of Supervisors adopted the Joint Exercise of Powers Agreement on August 21, 1995; and

WHEREAS, the current membership of the Community Criminal Justice Board request amendment of the Agreement to allow participating localities to exercise some discretion in their future appointments; and

WHEREAS, James City County is a participating locality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the amendment to the Joint Exercise of Powers Agreement.

4. Lafayette High School Band**RESOLUTION****LAFAYETTE HIGH SCHOOL BAND**

WHEREAS, the Board of Supervisors of James City County has been requested to pledge \$1,000 to the Lafayette High School Band should they receive an invitation to the Presidential Inaugural Parade in Washington, DC in January 1997.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby pledges the contribution of \$1,000 to the Lafayette High School band if they receive and accept an invitation to the Presidential Inaugural Parade and shall authorize the following account transfer to accommodate that pledge:

From:

Operating Contingency	<u>\$1,000</u>
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To:

Contributions, Lafayette High School Band	<u>\$1,000</u>
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5. State Grants - Youth Services**RESOLUTION****STATE GRANTS - YOUTH SERVICES**

WHEREAS, the Board of Supervisors of James City County has been awarded grants by the State Department of Youth and Family Services (DYFS) and has executed an agreement with the Colonial Group Home Commission to access those grants to provide services to juveniles;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the following changes to the FY 1997 Budget to allow for the pass-through of DYFS funds to the Commission:

Revenues:

State Grants - DYFS	\$137,000
General Fund Balance	<u>67,175</u>

\$204,175

Expenditures:

Group Home Commission	<u>\$204,175</u>
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G. PUBLIC HEARINGS1. Outdoor Gathering Permit, Junior Woman's Club of Williamsburg

Mr. Wanner stated that the Junior Woman's Club of Williamsburg had applied to hold an outdoor gathering at Governor's Land, 2700 Two Rivers Road, on September 27, 1996, from 6:00 p.m. to 10:00 p.m. to raise money for charity.

Staff recommended approval.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTION**OUTDOOR GATHERING PERMIT - JUNIOR WOMAN'S CLUB OF WILLIAMSBURG**

WHEREAS, James City County received an application from the Junior Woman's Club of Williamsburg to hold an outdoor gathering on September 27, 1996, from 6:00 p.m. to 10:00 p.m. at Governor's Land, 2700 Two Rivers Road, off Route 5 in James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Services Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Junior Woman's Club of Williamsburg, to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

2. Outdoor Gathering Permit, Williamsburg Scottish Festival, Inc.

Mr. Wanner stated that the Williamsburg Scottish Festival, Inc., had applied to hold an outdoor gathering at the Williamsburg Winery, Ltd., 2638 Lake Powell Road, on September 28, 1996, from 9:00 a.m. to 5:00 p.m. to honor Scottish culture and heritage.

Staff recommended approval.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Magoon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTIONOUTDOOR GATHERING PERMIT - WILLIAMSBURG SCOTTISH FESTIVAL, INC.

WHEREAS, James City County received an application from Williamsburg Scottish Festival, Inc., to hold an outdoor gathering on September 28, 1996, from 9:00 a.m. to 5:00 p.m. at the Williamsburg Winery, LTD., 2638 Lake Powell Road, James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Services Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Williamsburg Scottish Festival, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

3. Ordinance Amendment, Chapter 8, Health and Sanitation, Adding Article VI, Drought Management, Sections 8-51 through 57

Mr. Larry M. Foster, Manager, James City Service Authority, stated that the Groundwater Withdrawal Regulations developed by the Department of Environmental Quality to implement the Groundwater Management Act of 1992 required that any groundwater withdrawal application should incorporate a water conservation and management plan prior to being considered complete.

Staff recommended approval of the ordinance that authorized the County Administrator to take special measures required to prevent a critical water shortage should a potential shortage and/or emergency condition exist in James City County's water system(s).

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

4. Ordinance Amendment, Chapter 8, Health and Sanitation, Adding Article V, Cross Connection Control and Backflow Prevention, Sections 8-41 through 46

Mr. Foster stated that the proposed ordinance would authorize James City Service Authority to establish and enforce cross-connection control and backflow prevention program to protect the public water system from contamination which could backflow through uncontrolled cross connections.

Staff recommended approval.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

5. Confirmation of Private Access Easement across Emergency Operations Center Property

Mr. Leo Rogers, Deputy County Attorney, stated that the Deed of Confirmation would identify the location of an access easement for private homeowners who currently use a gravel drive behind the Emergency Operations Center property to access Forge Road.

Staff recommended approval.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTION

DEED OF CONFIRMATION FOR ACCESS EASEMENTS ACROSS EOC PROPERTY

WHEREAS, James City County owns certain real property commonly known as 3127 Forge Road, Toano, Virginia, and is the location of the County's Government Satellite Office Building ("County Property"); and

WHEREAS, prior to the County acquiring the property, a prior owner conveyed an access easement to Forge Road for certain properties behind the County Property; and

WHEREAS, there is currently a gravel drive on the County Property that has been used as an access easement; and

WHEREAS, the County desires to identify the exact location the access easement so that Parcel Nos. (1-28) and (1-30) on James City County Real Estate Tax Map No. (12-2) have an identified access easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisor, of James City County, Virginia, authorizes its Chairman, David L. Sisk, to execute a Deed of Confirmation identify the access easement across the County Property at 3127 Forge Road for two adjacent properties.

H. BOARD CONSIDERATIONS

1. Funding Request - The Association for the Preservation of Virginia Antiquities (APVA)

Mr. Wanner stated that the Association for the Preservation of Virginia Antiquities staff had requested \$23,600 for publication of a promotional/educational brochure about Project Discovery at Jamestown Island and revision of its Jamestown Brochure providing new information regarding James Fort.

Staff recommended approval of the resolution appropriating \$13,400 for the publication of the brochures.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTIONTHE ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES

WHEREAS, the Association for the Preservation of Virginia Antiquities (APVA) requested funds for Project Discovery at Jamestown Island during the FY 97 budget process; and

WHEREAS, APVA has submitted a revised request for funding of a promotional/educational brochure for the Project Discovery and an update to its Jamestown Brochure providing new information regarding James Fort.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$13,400 for the publication of the promotional/educational brochure from Operating Contingency to APVA:

Operating Contingency	<u>\$13,400</u>
Other Outside Agencies - APVA	<u>\$13,400</u>

2. Bid Award - Landfill Integrated Toolcarrier Contract

Mr. Wanner stated that the landfill integrated toolcarrier would replace a backup loader which did not have the capability to push large loads of trash at the Transfer Station. He further stated that the lowest responsive bid was submitted by Carter Machinery.

Staff recommended approval of the resolution authorizing the lease/purchase of the Caterpillar Integrated Toolcarrier.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

RESOLUTIONCATERPILLAR INTEGRATED TOOLCARRIER

WHEREAS, funds are appropriated in the FY 97 Operating Budget to lease/purchase a Caterpillar Integrated Toolcarrier; and

WHEREAS, requests for bids were issued, responses evaluated, the lowest bid meeting critical specifications and needs of the County was determined; and

WHEREAS, it has been determined that the bid submitted by Carter Machinery Company, Inc., to provide the Caterpillar Integrated Toolcarrier meets the criteria specifications and was the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Lease Purchase Agreement and Maintenance Contract with Caterpillar Financial Services Corporation and Carter Machinery Company, Inc., for the lease purchase of a Caterpillar Integrated Toolcarrier with guaranteed maintenance for the sum of \$155,768.00.

I. PUBLIC COMMENT

1. Mr. Frank Chipman, 3 Guest House Court, commended County staff, Mr. Larry Foster and Mr. Bernard Farmer, for their cooperation and assistance in responding to his questions. He restated that the tax abatement for elderly issue should be updated.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of attending two recent events and praised the attitude and accomplishment of the young persons involved.

3. Mr. Jay Everson, 242 Loch Haven Drive, stated that staff should account for time spent on planning applications.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner responded to Mr. Chipman that Mr. Carlyle Ford, Commissioner of Revenue, planned to move forward with an update to tax abatement for elderly, and to Mr. Everson that Mr. John McDonald, Manager, Financial and Management Services, was currently working on cost allocation plans.

Mr. Wanner announced that the Board of Supervisors was now on Internet to provide additional access for citizens to contact their elected officials; a letter from the County's congressional representatives to the Environmental Protection Agency Administrator stated their support for the King William Reservoir project; and, he introduced Mr. Greg Daniels, Intern to Assistant to the County Administrator and also acknowledged Ms. Kelly Morton, in absentia, as the other selected Intern Assistant to the County Administrator.

He recommended that the Board recess until Thursday, August 22, 1996, 1:00 p.m., for a site tour of sound walls, and stated that a James City Service Authority Board of Directors' meeting would follow the recess.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Magoon stated that he looked forward to receiving information regarding staff time accountability.

Mr. Sisk commended the James City County Fair Committee for the organization of the fair, which was a huge success.

He expressed pleasure at meeting 200 athletes at Busch Gardens from the 1996 Olympics.

Mr. Sisk announced the next regular Board of Supervisors' meeting would be Tuesday, September 10, 1996.

Mr. Sisk made a motion to recess until Thursday, August 22, 1996, at 1:00 p.m.

On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

The Board recessed at 8:00 p.m.



Sanford B. Wanner
Clerk to the Board

AUG 13 1996.

ORDINANCE NO. 116A-30

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VI, DROUGHT MANAGEMENT, BY ADDING SECTION 8-51, SHORT TITLE; SECTION 8-52, AUTHORITY TO DECLARE A POTENTIAL SHORTAGE OF WATER AND TO IMPOSE WATER CONSERVATION MEASURES; SECTION 8-53, CONDITIONS FOR THE DECLARATION OF POTENTIAL SHORTAGE OF WATER; SECTION 8-54, VIOLATION OF STAGE III WATER RESTRICTIONS; SECTION 8-55, NOTICE TO THE PUBLIC; SECTION 8-56, APPEALS; AND SECTION 8-57, REPEAL OF OTHER COUNTY ORDINANCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by adding Article VI, Drought Management, Section 8-51, Short Title; Section 8-52, Authority to declare a potential shortage of water and to impose water conservation measures; Section 8-53, Conditions for the declaration of potential shortage of water; Section 8-54, Violation of stage III water restrictions; Section 8-55, Notice to the public; Section 8-56, Appeals; and Section 8-57, Repeal of other county ordinances.

Chapter 8. Health and Sanitation

Article VI. Drought Management

Sec. 8-51. Short title.

This Article shall be known and may be cited as the Drought Management Ordinance.

Sec. 8-52. Authority to declare a potential shortage of water and to impose water conservation measures.

The county administrator is authorized to take special measures of prudent management to prevent a critical water shortage when a potential shortage and/or emergency condition exists in James City County's water system(s).

Sec. 8-53. Conditions for the declaration of potential shortage of water.

Upon a determination by the county administrator of the existence of the following conditions, the county administrator shall take the following actions:

- (a) Stage I: When one or more of the parameters described in Section 2.E.1 of the Water Conservation and Drought Management Plan (Plan) adopted by the James City Service Authority (JCSA) are met, the county administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by the means described in Section 2.G.1. of the Plan.*
- (b) Stage II: When one or more of the parameters described in Section 2.E.2 of the Plan adopted by the JCSA are met, the county administrator shall order curtailment of less essential usage of water, including but not limited to, the measures described in Section 2.G.2 one or more of the Plan.*
- (c) Stage III: When one or more of the parameters described in Section 2.E.3 of the Plan adopted by the JCSA are met, the County Administrator shall institute mandatory reductions on each customer which*

include, but are not limited to, those restrictions applicable to Stage II as well as reductions of water to each customer as described in Section 2.G.3 of the Plan.

The county administrator or his designee may authorize exceptions to the restrictions imposed by Stages I and II.

- (d) Stage IV: When Stage III has been in effect for 30 days and demand has not stabilized at the Stage III trigger level or has not declined, the board of supervisors, county administrator, or his designee may implement additional restrictions as are determined necessary.*

Sec. 8-54. Violation of Stage III water restrictions.

Upon implementation of Stage III, the board of supervisors, county administrator, or his designee may impose appropriate fines and penalties for excess water usage. The additional charges for excess water usage shall be applicable to bills for service periods beginning on or after the declaration that a potential shortage of water exists.

Sec. 8-55. Notice to the public.

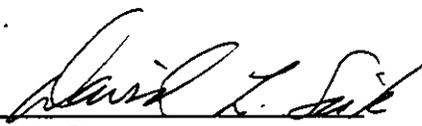
The determination of Stages II, III, and IV by the board of supervisors, county administrator, or his designee shall be accompanied by a written report which shall set out the criteria utilized and data relied upon in making such determination including a narrative summary reporting the determination. Each report shall be promptly filed with the County Clerk who shall make the same available for public inspection. The county clerk shall transmit a copy of each report to the board of supervisors.

Sec. 8-56. Appeals.

An appeal review board shall be established upon declaration of Stage II. It shall be composed of three members appointed by the board of supervisors. One of the three members shall be a representative of the James City Service Authority. The appeals board shall hear appeals from determinations as to allocation of water and additional charges of excessive usage and shall have the power by the vote of two members to approve, modify, or revoke such determinations. The action of the appeals review board shall be final.

Sec. 8-57. Repeal of other county ordinances.

All other county ordinances inconsistent with this ordinance are hereby repealed; provided, however, that no enforcement action or prosecution of any sort now pending shall be abated because of the adoption of this ordinance.


David L. Sisk
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 1996.

AUG 13 1996

ORDINANCE NO. 116A-29

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE V, CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION; SECTION 8-41, SHORT TITLE; SECTION 8-42, PURPOSE OF ARTICLE; SECTION 8-43, AUTHORITY FOR ARTICLE; SECTION 8-44, VIOLATIONS OF ARTICLE; SECTION 8-45, DEFINITIONS; AND SECTION 8-46, INSPECTION REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by adding Section 8-41, Short title; Section 8-42, Purpose of article; Section 8-43, Authority for article; Section 8-44, Violations of article; Section 8-45, Definitions; and Section 8-46, Inspection requirements.

Chapter 8. Health and Sanitation

Article V. Cross-Connection Control and Backflow Prevention

Sec. 8-41. Short title.

This Article shall be known and may be cited as the Cross-Connection and Backflow Prevention ordinance.

Sec. 8-42. Purpose of article.

The purposes of this article are to:

- (a) *Protect the public water of James City County from the possibility of contamination, by isolating, within its customers' private water systems, contaminants, or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system;*
- (b) *Eliminate or control existing cross connections, actual or potential, at each water outlet from the consumer's waterline;*
- (c) *Provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross connections in the future.*

Sec. 8-43. Authority for article.

This article provides for establishment and enforcement of a program of cross-connection control and backflow prevention in accordance with Part II, Article 3, Cross Connection Control and Backflow Prevention in Waterworks of the Commonwealth of Virginia, State Board of Health, Waterworks Regulations 1993, as amended.

Sec. 8-44. Violations of article.

Any water supply system owner found to be in violation of any provision of this ordinance shall be served a written notice of violation sent certified mail to the water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of the notice of violation, to bring the water supply system into compliance with this article. Any owner of properties served by a connection to the waterworks found guilty of violating any of the provisions of this article, or any written order of the general manager in pursuance thereof, may

be charged with a Class 1 misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$500 or more than \$1,000 for each violation. Each day upon which a violation of the provisions of this article shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

Sec. 8-45. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Backflow prevention device - Any device, method, or type of construction, approved by the general manager of the James City Service Authority, intended to prevent backflow into the waterworks.

Consumer's water system - Any water system located on the consumer's premises, supplied by, or in any manner connected to, the waterworks.

Cross connection - Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard - The level of health hazard, as derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks. The degrees are high, moderate, and low.

Premises - A piece of real estate; house or building and its land.

Service connection - The point of delivery of water to a customer's building service line as follows:

- (a) If a meter is installed, the service connection is the downstream side of the meter;*
- (b) If a meter is not installed, the service connection is the point of connection to the waterworks.*
- (c) When the water purveyor is also the building owner, the service connection is the entry point to the building.*

Water supply - The waters that shall have been taken into the waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

Water supply system - The water service pipes, water distributing pipes, and necessary connecting pipes, fittings, valves, and all appurtenances beyond the waterwork's service connection.

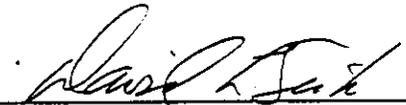
Waterworks - A system that serves piped water for drinking or domestic use to:

- (1) the public,*
- (2) at least 15 connections, or*
- (3) an average of 25 individuals for at least 60 days out of the year.*

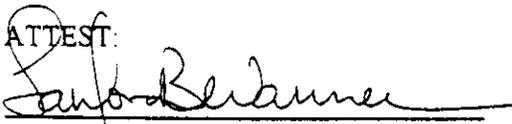
The term "waterworks" shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Section 8-46. Inspection requirements.

Testing and inspection schedules shall be established by the general manager as outlined in the Program for all backflow prevention devices. The interval between testing and inspections and overhauls of each device shall be established in accordance with the type and condition of the device and the device manufacturer's recommendations. Inspection and testing intervals shall not exceed one year unless otherwise established by the general manager based on the degree of hazard, and overhaul intervals shall not exceed five years unless otherwise noted in the program. Repairs and overhauls shall use the device manufacturer's parts kit.



David L. Sisk, Chairman
Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 1996.