

ADOPTED

MAR 9 1981

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO 85A-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING SECTION 5A-8, RESPONSIBILITY OF OWNER FOR EXPENSE OF CONTROL MEASURES; PERFORMANCE BONDS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 5A, Erosion and Sedimentation Control, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Section 5A-8, Responsibility of Owner for Expense of Control Measures; Performance Bonds, to read as follows:

CHAPTER 5A

Erosion and Sedimentation Control

Section 5A-8, Responsibility of Owner for Expense of Control Measures; Performance Bonds.

All control measures required by the provisions of this chapter shall be undertaken at the expense of the owner or his agent. Pending such actual provision thereof, the owner or his agent shall execute and file with the administrator, prior to issuance of the land disturbing permit, a performance bond, cash escrow, letter of credit, any combination thereof, or other legal arrangement as is acceptable to the County Attorney. This shall be in an amount determined by the administrator, equal to the approximate total cost of providing erosion and sedimentation control improvements. These documents shall be approved by the County, and are to ensure that measures could be taken by the County, at the

applicant's expense, should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by his approved plan as a result of his land disturbing activity.

Within sixty days of the completion of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent, or terminated, as the case may be.

These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

  
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Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
James B. Oliver, Jr.  
Clerk to the Board


Adopted by the Board of Supervisors, James City County, Virginia,  
this 9th day of March, 1981.

M E M O R A N D U M

DATE: March 10, 1981  
TO: Frank M. Morton, III, County Attorney  
FROM: James B. Oliver, Jr., County Administrator  
SUBJECT: Board of Supervisors Agenda Item # D-1  
Erosion and Sedimentation Control Ordinance  
Amendment

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The above-referenced item was approved/disapproved/tabled  
at the Board of Supervisors meeting of March 9, 1981.  
Continue to process as appropriate.

  
James B. Oliver, Jr.

           (If checked) forward copy of correspondence sent to  
applicant, to this office.

M E M O R A N D U M

DATE: March 4, 1981

TO: The Honorable Chairman and Members of the  
Board of Supervisors

FROM: Frank M. Morton, III, County Attorney

SUBJECT: Proposed Amendment to Chapter 5A, Section 8  
James City County Code, Erosion and Sedimentation  
Control

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Attached hereto please find a proposed amendment to a section of the County Code relating to land disturbing performance guarantees. This amendment will incorporate the new wording of the amended version of the State Law into our local ordinance. The effect will be to clarify language concerning the use of performance guarantees by localities. The original State Law wording implied that a locality could only use the performance guarantee to undertake "emergency measures." The phrase was open to interpretation and it was unclear whether maintenance activities fell within its definition. The amendment clarifies the law by defining the County's authority in the event of an applicant failing to initiate or complete an approved land disturbing activity plan.

I recommend the adoption of the attached ordinance.

Respectfully submitted,

  
Frank M. Morton, III

FMM/tad

Attachment

original 1

KAC Item -  
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JAMES CITY COUNTY  
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CHAPTER 5A

EROSION AND SEDIMENTATION CONTROL

Section 5A-8, Responsibility of Owner for Expense of Control Measures; Performance Bonds.

All control measures required by the provisions of this chapter shall be undertaken at the expense of the owner or his agent. Pending such actual provision thereof, the owner or his agent shall execute and file with the administrator, prior to issuance of the land disturbing permit, ~~an escrow fund or letter of credit~~ *a performance bond, cash escrow, letter of credit, any combination thereof, or other legal arrangement as is acceptable to the County Attorney. This shall be in an amount determined by the administrator, equal to the approximate total cost of providing erosion and sedimentation control improvements. These documents shall be approved by the County, guaranteeing that the required control measures will be properly and satisfactorily taken and are to ensure that measures could be taken by the County, at the applicant's expense, should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation*