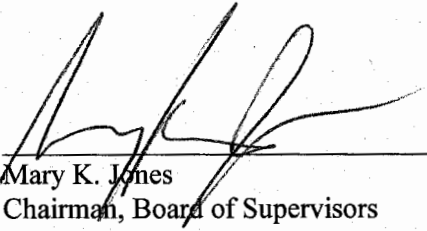


RESOLUTION

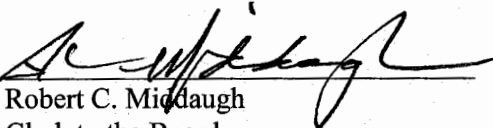
AMENDMENT TO THE JAMES CITY COUNTY CHARTER TO ALLOW THE ASSESSMENT

OF CIVIL PENALTIES FOR VIOLATIONS OF COUNTY CODE SECTION 10-4

- WHEREAS, the Board of Supervisors adopted the County's 2012 Legislative Program which, included in Item Nos. 1-4 seeking to amend Virginia Code to allow for increased civil penalties for owners of property upon which excessive trash and/or uncut grass is present; and
- WHEREAS, County Code Section 10-4 provides that it is the duty of each owner, occupant and person in charge of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance and to provide for the cutting on vacant developed or undeveloped property of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances; and
- WHEREAS, civil penalties for a violation of Section 10-4 may not exceed \$50 for the first violation, or violations arising from the same set of operative facts, and may not exceed \$200 for subsequent violations not arising from the same set of operative facts within 12 months of the first violation; and
- WHEREAS, the current amount of civil penalties assessed has not successfully deterred the continued violation of County Code Section 10-4 and an increase to such civil penalties would provide a benefit to the County by assisting to protect the health and safety of its residents; and
- WHEREAS, the assessment of civil penalties for removal or disposal of trash and cutting of grass and weeds upon real property in an amount higher than \$50 for the first violation, or violations arising from the same set of operative facts, and \$200 for subsequent violations not arising from the same set of operative facts within 12 months of the first violation, would require an amendment to James City County's Charter by adding Section 2.5.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, having hereby conducted a public hearing on the issue, approves proceeding with a request to the General Assembly to grant an amendment to the James City County Charter to add a new Section 2.5 providing that in addition to the powers already held by the County to compel the removal or disposal of trash and the cutting of grass and weeds upon real property, the County may also assess civil penalties in the amount of \$200 for the first violation and up to \$500 for each subsequent violation.


Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2011.

CharterAmen_res