

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7TH DAY OF JULY NINETEEN HUNDRED EIGHTY-SIX AT 7:35 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

William F. Brown, Chairman, Roberts District
Stewart U. Taylor, Vice-Chairman, Stonehouse District
Thomas D. Mahone, Jamestown District
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

It is noted that Mr. Jack D. Edwards, Berkeley District, was absent from this meeting.

**B. MINUTES - June 16, 1986 - Work Session
June 16, 1986 - Regular Meeting**

Mr. Mahone referenced the VML Insurance portion of the regular minutes and stated he feels the minutes should be more complete. Mr. Mahone requested the June 16th Work Session minutes be changed to reflect that he was absent from the meeting.

Mr. Mahone made a motion to approve the minutes as corrected.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

**C. CERTIFICATE OF APPRECIATION - Catherine Y. Short
George C. Pitts**

Mr. Brown read and presented Certificates of Appreciation to Ms. Catherine Y. Short and George C. Pitts expressing the Board's appreciation for their contributions to the County through their involvement in the Peninsula Crime Line program.

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, James City Police participate in Peninsula Crime Line which provides rewards for information about crimes; and

WHEREAS, CATHERINE Y. SHORT has served the citizens of James City County since 1984; and

WHEREAS, throughout this period of service CATHERINE Y. SHORT gave freely of her time and wisdom as an active member of the Board of Directors of Crime Line; and

WHEREAS, CATHERINE Y. SHORT has consistently displayed guidance, support and dedication which have resulted in exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia recognizes

CATHERINE Y. SHORT

for her distinguished service and devotion to the County and its citizenry during the past two years.

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to CATHERINE Y. SHORT.

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, James City Police participate in Peninsula Crime Line which provides rewards for information about crimes; and

WHEREAS, GEORGE C. PITTS has served the citizens of James City County since 1984; and

WHEREAS, throughout this period of service GEORGE C. PITTS gave freely of his time and wisdom as an active member of the Board of Directors of Crime Line; and

WHEREAS, GEORGE C. PITTS has consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication which have resulted in exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia recognizes

GEORGE C. PITTS

for his distinguished service and devotion to the County and its citizenry during the past two years.

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to GEORGE C. PITTS.

Mr. Brown recognized Mr. Edward Overton, Extension Agent. Mr. Overton stated the Farmers' Advisory Committee requests the Board seek a Crop Disaster Area designation for James City County from the Governor of Virginia. Mr. Overton stated the drought the County is experiencing is the worst in ten years and has seriously affected crop yields to the point that farmers are facing financial disaster.

Mr. Taylor stated he speaks as a farmer and as a member of the Farmers' Advisory Committee and that he feels the corn and soy bean crop are a total loss.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

RESOLUTION

Crop Disaster Area

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the market place; and

WHEREAS, credit to agriculture producers is extremely limited and the agriculture industry in James City County faces financial disaster because of the stated conditions of depression.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that a state of emergency is declared to exist in the County and hereby requests the Honorable Gerald L. Baliles, Governor of the Commonwealth of Virginia, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

Mr. DePue and Mr. Taylor extended their appreciation to Mr. Edward Overton for his efforts on behalf of the farming community.

D. PUBLIC HEARINGS

1. Case No. SUP-15-86. Alfonso Tourist Home

The Planning Commission recommends denial of the application.

Mr. Brown opened the public hearing.

1. Mr. Edward Oyer, 139 Indian Circle, and speaking on behalf of himself and three other members of his neighborhood, spoke in opposition to the application stating it is felt that approval of this application would change the character of the neighborhood and set a precedence for future cases.

2. Mr. Alfonso, the applicant, stated he did not buy his house to start a business and that he wanted to rent a room in order to help pay the house mortgage.

Mr. Brown closed the public hearing.

Mr. DePue inquired if the applicant could rent a room without a permit.

Mr. Morton responded that renting in a R zoned district without a permit is in violation of the County Zoning Ordinance.

Mr. DePue made a motion to deny the application.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

2. Case No. SUP-16-86. W. E. Stewart Telephone Repeater Station

The Planning Commission recommends approval of the application subject to two conditions.

Mr. Brown opened the public hearing.

1. Mr. Melvin Spain, Holly and Spain, Ltd., and representative for the applicant, encouraged the Board to approve the application. In response to a question from Mr. Mahone, Mr. Spain responded the repeater station will have a fence built around it.

2. Mr. Joseph B. Pratt, SouthernNet, responded to a question from Mr. Brown stating that SouthernNet is an alternative Telecommunication Network to AT&T's long distance communication network. Mr. Pratt further stated that SouthernNet uses laser beams to transmit voice conversations on fiber optic cables.

Mr. Brown closed the public hearing.

Mr. DePue made a motion to approve the application.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

RESOLUTION**No. SUP-16-86. W. E. Stewart Telephone Repeater Station**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-16-86 for a special use permit authorizing the establishment and operation of a telephone repeater station in the A-1, General Agricultural zoning district on property located on the north side of Richmond Road about 925 feet east of Diascund Road and identified as a portion of parcel (1-41) on James City County Real Estate Tax Map No. (2-4); and

WHEREAS, the establishment and operation of a telephone repeater station does not conflict with the intent of the Comprehensive Plan for the area, and is generally consistent with the character of existing development and the zoning pattern in the area.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-16-86 as described herein with the following conditions.

1. A site plan, including landscaping and screening of the proposed facility, shall be submitted to and approved by the County prior to operation of the repeater station.
2. If a Certificate of Occupancy for the repeater station building has not been obtained within one year of the date of issuance of the special use permit, this special use permit shall become void.

3. Case No. MP-2-86. Burnt Ordinary

The Planning Commission recommends approval of the proposed amendment subject to fifteen revisions to the master plan and a runoff analysis.

Mr. Taylor inquired as to whether the applicant would need to return to the County if the applicant decides to convert the proposed elderly apartments into regular apartments.

Mrs. Victoria Gussman, Director of Planning, responded that the applicant would need to seek County approval for such a change.

Mr. Taylor stated he feels making the applicant seek approval again is unreasonable.

Mr. Brown opened the public hearing.

1. Mr. John Johnson, representative for the applicant, spoke in favor of the application and summarized the proposed changes.

Mr. Brown closed the public hearing.

Mr. Mahone inquired as to what the applicant intends to do to prevent the public from walking around the proposed fence to get to the railroad tracks.

Mr. Johnson stated that the applicant will do whatever is necessary to prevent this from happening.

Mr. Brown referenced a letter from Owens-Illinois and their request for future consideration on residential development near their plant.

Mr. DePue requested staff respond to Owens-Illinois addressing their concerns.

Mr. DePue made a motion to approve the proposed amendments.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
 (4). NAY: (0).

RESOLUTION

Case No. MP-2-86. Burnt Ordinary Master Plan Amendment

WHEREAS, Mr. Bertrand Geddy, Jr. and Burnt Ordinary Associates have applied for an amendment to the approved master plan for Burnt Ordinary; and

WHEREAS, Section 20-15 of the James City County Zoning Ordinance reserves to the Board of Supervisors the authority to amend a master plan; and

WHEREAS, the James City County Planning Commission has considered the application and unanimously recommended approval with revisions to the master plan and runoff analysis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby approve the amended master plan for Burnt Ordinary as submitted and as described in the attached memorandum with the following revisions to the master plan and runoff analysis.

1. Fencing shall be installed along the northern property line.
2. Service drives behind the commercial shops shall be provided unless proven otherwise to the Site Plan Review Committee.
3. Parking shall be provided for the elderly housing in accordance with the Zoning Ordinance.
4. Recreation facilities shall be provided as determined by the Site Plan Review Committee.
5. The master plan shall indicate a time frame for phasing and where units will be built according to phasing.
6. A traffic signal and left and right turn lanes and storage lanes shall be provided in accordance with VDH&T requirements.
7. The runoff calculations shall be amended as required by the Department of Public Works. Revised runoff calculations, sizing and aggregate fill must be submitted and approved by the Department of Public Works prior to construction.
8. An inspection and maintenance agreement shall be executed with the Director of Public Works.
9. The master plan shall be corrected to show both detention ponds.
10. The text of the analysis shall be updated to reflect the change in residential units and reduction of retail area square footage.
11. Aquatic vegetation shall be utilized for the detention pond and area forward of the culverts under the CSX rail line.
12. A fence or some type of protective barrier shall be provided around the pond.
13. Spot elevations shall be provided on the residential areas.
14. Using the revised runoff calculations, the discharge pipes from the retention basin shall be sized to release water at the pre-development or lesser runoff rate, based on the two-year storm. The overflow, or emergency spillway, shall be sized to release runoff from the ten-year storm at post-development rates.

15. Right-of-way sufficient to make required improvements at Richmond Road shall be dedicated to the Virginia Department of Highways and Transportation.
4. Ordinance Amendments of the Code of James City County:
- a. Chapt. 3, Animals and Fowl
 - b. Chapt. 5A, Erosion and Sedimentation Control
 - c. Chapt. 9, Licenses
 - d. Chapt. 11, Motor Vehicles and Traffic
 - e. Chapt. 11, Motor Vehicles and Traffic
 - f. Chapt. 13, Offenses - Miscellaneous
 - g. Chapt. 18, Taxation
 - h. Chapt. 3, Animals and Fowl; Chapt. 4A, Dance Halls; Chapt. 9, Licenses; Chapt. 12, Outdoor Gatherings; and Chapt. 13, Offenses - Miscellaneous

Staff recommends the Board adopt the proposed ordinances.

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

Mr. Morton stated the proposed ordinances were adopted at the last session of the General Assembly, and that if the County does not adopt the proposed ordinances, the County ordinances will not conform with State statutes.

Mr. Taylor stated he opposes Chapter 11, Section 11-46, because he feels it will create a hardship for some County residents.

Mr. DePue spoke in favor of the parking ordinance and further stated that he feels the parking legislation gives the Board discretion to request and enforce no parking signs where necessary.

Mr. Brown stated he feels DWI is an important issue and that by updating County ordinances, DWI offenders can be charged under the County Code.

Mr. Mahone stated he opposes the language on page 2, Chapter 13, indicating that an applicant must furnish his date of birth.

Police Chief Robert Key stated the reason for making an applicant furnish his date of birth is to assist the Police Department in running a criminal history check.

Mr. Brown made a motion to approve the proposed ordinances, excluding items #D-4e. and #D-4f.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor (4). NAY: (0).

Mr. Brown made a motion to approve item #D-4e.

Mr. Taylor stated that he feels Section 11-46 is appropriate for R zones, but not for A-2 zones.

On a roll call, the vote was AYE: Brown, DePue, Mahone (3). NAY: Taylor (1). The motion passed by a 3-1 vote.

Mr. Brown made a motion to approve item #D-4f.

Mr. Mahone stated he feels the language on page 2 is poorly worded and will not support its approval.

On a roll call, the vote was AYE: DePue (1). NAY: Brown, Mahone, Taylor (3). The motion failed by a 1-3 vote.

Mr. Brown noted that he voted against this ordinance with the intent of requesting reconsideration of this item at the next Board meeting.

E. CONSENT CALENDAR

Mr. Brown asked Board members if they wished to remove any items from the Consent Calendar.

Mr. Mahone withdrew #E-1.

Mr. Brown made a motion to approve all remaining items on the Consent Calendar.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

2. Newport News Water Extension Agreement - Grove Subdivision,
Phase II

RESOLUTION

City of Newport News Water Extension Agreement

WHEREAS, Langley and McDonald, Inc., on behalf of James City County has prepared plans for the Grove Subdivision - Phase II; and

WHEREAS, the City of Newport News has prepared a water extension agreement for the extension of City water mains to serve this development; and

WHEREAS, all fees for this work are available in the Sanitary District No. 2 Utility Extension Fund, as previously approved by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that it hereby authorizes the Chairman to execute the Newport News Water Extension Agreement on behalf of James City County.

3. Appropriation - Operation Brightside

RESOLUTION

Operation Brightside Appropriation

WHEREAS, Anheuser-Busch Corporation has offered to donate funds to continue its support of Operation Brightside in James City County; and

WHEREAS, the James City County Parks and Recreation Office desires to control litter and improve the landscape of County parks; and

WHEREAS, the James City County Parks and Recreation Office desires to join with Anheuser-Busch in Operation Brightside.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes as a continuing appropriation \$6,500 for Operation Brightside, as follows:

Revenue:

Operation Brightside	\$6,500
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Expenditures:

Special Projects	\$6,500
Operation Brightside	

4. Certificate of Appreciation - Robert T. Williams

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, ROBERT T. WILLIAMS, as City Manager of Newport News since 1981, has shown commitment to strengthening the quality of local government through professional management; and

WHEREAS, ROBERT T. WILLIAMS has taken an active role in the professional development of Virginia public service managers; and

WHEREAS, ROBERT T. WILLIAMS has promoted cooperation with James City County in recognition of the interdependence of our localities; and

WHEREAS, regional collaboration in such vital areas as water and resource recovery exemplifies a model of addressing complex problems that will lead to more effective public services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby recognize the contributions of

ROBERT T. WILLIAMS

during his tenure as City Manager of Newport News and expresses its appreciation for his service in promoting the public good on the Peninsula

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to ROBERT T. WILLIAMS.

1. Williamsburg Community Hospital Capital Fund Request

Mr. Mahone inquired as to the extent the Social Services Department utilizes the Community Hospital.

Mrs. Darlene Burcham responded that the Social Services Department has an annual appropriation for State Local Hospitalization, which this year is \$15,000. Mrs. Burcham further stated that a flat per diem rate is paid on cases approved by Social Services and the contract price is determined by the State. Mrs. Burcham stated most patients served by this program utilize Community Hospital, although it is the patient's choice where to be treated.

Mr. Mahone stated the use of public funds for the hospital bothers him and he will not support the resolution.

Mr. Brown made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, DePue, Taylor (3). NAY: Mahone (1). The motion passed by a 3-1 vote.

RESOLUTION

Williamsburg Community Hospital Capital Fund Request

WHEREAS, the Williamsburg Community Hospital Board of Directors is desirous of upgrading and expanding the Family Maternity Center and Ambulatory Surgery Center at the Hospital; and

WHEREAS, they have requested a pledge from the County of \$100,000 payable over a five year period, and

WHEREAS, the Williamsburg Community Hospital improvement plans are consistent with the needs of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors appropriates \$20,000 to the Williamsburg Community Hospital Capital Fund Campaign.

BE IT FURTHER RESOLVED that \$20,000 be transferred from the County Capital Contingency Account for this purpose.

F. BOARD CONSIDERATIONS - None

L. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor inquired about the status of his request for staff to review the Mobile Home Ordinance.

Mr. Oliver responded that staff is currently working on his request and hopes to provide the Board a report in August.

Mr. Brown noted that the Planning Department has had two resignations and the Code Compliance office has had one resignation.

Mr. DePue referenced the reading file item on temporary help for the Commissioner of Revenue to assist potential agricultural and forestal district applicants.

Mr. Oliver indicated staff will proceed if the Board does not object.

There was no objection from the Board.

Mr. Taylor commended Carlyle Ford, Commissioner of Revenue, on his efforts to inform citizens about the agricultural and forestal districts.

In response to a question from Mr. Mahone, Carlyle Ford responded that a part-time position will help his office catch up on work that has fallen behind due to the time spent on agricultural and forestal district questions. Mr. Ford stated that the part-time person will also work closely with the Real Estate Assessment office and that there are presently seven districts in the proposal stage.

Mr. DePue commended Mr. Mahone for bringing the issue of the State Patrol Officers to the Board. Mr. DePue stated that it is not the responsibility of County Police to investigate accidents, but if the State won't provide funds for additional State Patrol Officers, then the County may need to consider performing this function.

Mr. DePue made a motion to approve the resolution on State Patrol Officers.

Mr. Mahone noted that there are three authorized patrol officer positions vacant and that the number of patrol officers has not increased in seventeen years.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor (4). NAY: (0).

RESOLUTION

Request to Increase State Patrol Officers

WHEREAS, the James City County Board of Supervisors has supported local law enforcement programs directed at Driving Under the Influence of Alcohol and Selective Enforcement of Speed Limits; and

WHEREAS, these programs require similar enforcement on Interstate Highways by the State Police; and

WHEREAS, the James City and York Counties have not had an increase in authorized State Patrol Officers in 17 years; and

WHEREAS, a shortage of State Police personnel exists on the Peninsula as a result of population and traffic increases.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia respectfully requests the Governor of Virginia to use his good office to mitigate the traffic safety problem in the area caused by the State Police shortage.

Mr. Mahone inquired if the Virginia Municipal League Insurance Pool has been certified.

Mr. Oliver responded in the affirmative.

Mr. Walt Schmidt, Assistant Director of Financial and Management Services, stated the County paid \$1,400 less than the price quoted for insurance from VML. Mr. Schmidt further stated that the County is seeking information on Directors insurance for the Transit Company from two different companies, but the County will not receive a response until August. Mr. Schmidt clarified that the type of insurance the County is seeking is Directors insurance, which is not covered by General Liability coverage.

Mr. Mahone requested staff prepare a report on the possibility of landscaping Jamestown Road at the Lake Powell overpass, to include who should be responsible for performing the work.

Mr. DePue noted the Williamsburg City Council had reconsidered and will not fund a right-hand turn lane off Longhill Road onto Ironbound Road. Mr. DePue further stated that he feels this right-hand turn lane is essential and that the Williamsburg City Council should stick with their original commitment.

G. PUBLIC AUDIENCE

1. Mr. Thomas Williams, 111 Wickre Street, requested payment of a \$8,760 claim against the County.

2. Mr. Gene Farley, Canal Street, Chickahominy Haven, requested the Board consider charging a smaller percolation test fee in situations where the owner is not seeking placement of a septic tank but zoning wants to determine whether the land will perc. Mr. Farley also stated that he is confused as to why one side of Centerville Road is zoned A-1 and the other side zoned A-2.

Mr. Brown suggested Mr. Farley discuss the Centerville Road zoning issue with Mr. DePue.

Mr. Oliver stated that one reason for the different zonings on Centerville Road is that the Primary Service Area is located on one side of the road and not the other.

The Board requested staff prepare a recommendation on a percolation test fee.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. FY87 Professional Services

Mr. Oliver informed the Board that approximately two-thirds of the consultant fees listed in the report covers Service Authority activities.

Mr. Brown and Mr. Mahone commended staff on the report and stated the report helps the Board maintain a perspective of what the County is doing.

Mr. Oliver requested the Board recess until July 21, 1986 at 1:00 p.m. to hold a work session on the Excellence Program.

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss a personnel and legal matter.

Mr. Brown made a motion to go into Executive Session to discuss a personnel and legal matter pursuant to Section 2.1-344(a)(1) and (6) of the Code of Virginia, 1950 as amended.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor (4). NAY: (0).

The Board convened into Executive Session at 9:45 p.m. and reconvened into public session at 10:20 p.m.


Mr. Mahone made a motion to nominate Jack Hunt, Bob Gilley, Gene Hofmeyer, Lynn Evans, Albert White, IV, Les Seglin, and Stewart Taylor to the Agricultural and Forestal Advisory Committee for indefinite terms.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

Mr. Brown made a motion to recess until 1:00 p.m., July 21, 1986.

On a roll call, the vote was AYE: Brown, DePue, Mahone, Taylor
(4). NAY: (0).

The Board recessed at 10:22 p.m.


James B. Oliver, Jr.
Clerk to the Board

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMALS AND FOWL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, DOGS, SECTION 3-3. VACCINATION OF DOGS; LICENSE OF DOGS; AND SECTION 3-13.1. COMPENSATION FOR LIVESTOCK AND POULTRY KILLED BY DOGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animals and Fowl, is hereby amended and reordained by amending Section 3-3. Vaccination of dogs; license of dogs; and Section 3-13.1. Compensation for livestock and poultry killed by dogs.

Chapter 3. Animals and Fowl

Article II. Dogs

Section 3-3. Vaccination of dogs; license of dogs.

(a) It shall be unlawful for any person to own, keep, hold or harbor any dog over the age of six (6) months within the county, unless such dog shall have been vaccinated by a licensed veterinarian with a modified live virus rabies vaccine approved by the state department of health within a period of thirty-six (36) months or with a killed rabies vaccine approved by the state department of health within a period of twelve (12) months. If, however, such vaccination would threaten the physical well-being of such dog, the owner of such dog shall obtain a certificate, signed by a licensed veterinarian, certifying such fact, and the owner shall keep such dog in quarantine until the same is vaccinated.

(b) Any person transporting a dog into the county from some other jurisdiction shall comply with the requirements of subsection (a) of this section within thirty (30) days subsequent to bringing such dog into the county.

(c) A veterinarian vaccinating a dog as required by this section shall issue to the owner of the dog a certificate of vaccination showing:

- (1) Date of vaccination;
- (2) Sex and breed of the dog;

- (3) The dog's weight, color and marks;
- (4) Rabies tag number;
- (5) Name of the owner;
- (6) Amount and kind of vaccine injection; and
- (7) Method of injection.

(d) Every owner or custodian of a dog over the age of six (6) months owned, possessed or kept in the County of James City shall obtain a dog license by making oral or written application with the county treasurer, or his designee.

(e) Each application shall be accompanied by the amount of license tax and a certificate of vaccination which will not expire during the license period.

Section 3-13.1. Compensation for livestock and poultry killed by dogs.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400.00 per animal or fowl, provided that: (i) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal warden or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

If there are not sufficient monies in the dog pound to pay these claims, they shall be paid in the order they are received when monies become available. Upon payment under this section, James City County shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

ORDINANCE NO. 85A-5

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 5A-3, DEFINITIONS; SECTION 5A-5, PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT; AND SECTION 5A-11, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5A, Erosion and Sedimentation Control, is hereby amended and reordained by amending Section 5A-3, Definitions; Section 5A-5, Procedures for plan submission and review, inspection and enforcement; and Section 5A-11, Penalty.

Chapter 5A. Erosion and Sedimentation Control

Section 5A-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator. The official designated by the governing body to serve as its agent to administer this chapter.

Clearing. Any activity which removes the vegetative ground cover including but not limited to the removal of root mat and-or topsoil.

Commission. The Virginia Soil and Water Conservation Commission.

District or soil and water conservation district. A governmental subdivision of the state organized in accordance with the provisions of the Soil Conservation Districts Law, Title 21, chapter 1, Code of Virginia, 1950, as amended.

Erosion and sedimentation control plan or plan. A document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit of land will be so treated to achieve the conservation objectives.

Excavating. Any digging, scooping or other methods of removing earth materials.

Filling. Any depositing or stockpiling of earth materials.

Governing body. The board of supervisors of the county.

Grading. Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land disturbing activity. Any land change which may result in soil erosion from water and/or wind and the movement of sediments into waters or into lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Land disturbing permit. A permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of this State, any interstate body, or any other legal entity.

Plan approving authority. The department of public works.

Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs. (3-10-75)

Section SA-5. Procedures for plan submission and review, inspection and enforcement.

Those procedures for plan submission and review, inspection and enforcement are set forth in a separate document which is made a part hereof entitled, "State Minimum Criteria, Standards and Specifications," Chapter 3, and "Stormwater Management," Chapter 4, adopted from the Virginia Erosion and Sedimentation Control Handbook, February, 1980. (3-10-75; Ord. No. 85A-3, S-11-81)

- (a) Land-disturbing activities where permit is issued. With respect to approved plans for erosion and sediment control in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, either the permit-issuing authority or plan-approving authority shall provide for periodic inspections of the land-disturbing activity to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from the land-disturbing activities. Notice of such right of inspection shall be included in the permit. The owner, occupier or operator shall be

given an opportunity to accompany the inspectors. If the permit-issuing authority or plan-approving authority determines that the permittee has failed to comply with the plan, the authority shall immediately serve upon the permittee by registered or certified mail to the address specified by the permittee in his permit application, or by delivery at the site of the permitted activities to the agent or employee of the permittee supervising such activities, a notice to comply. Where the plan-approving authority serves notice, a copy of each notice shall also be sent to the issuer of the permit. Such notice shall set forth specifically the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permittee fails to comply within the time specified, he may be subject to revocation of the permit; furthermore, he shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by the article.

- (b) Other regulated land-disturbing activities. With respect to approved plans for erosion and sediment control in connection with all other regulated land-disturbing activities, the plan-approving authority may require of the person responsible for carrying out the plan such monitoring and reports, and may make such on-site inspections after notice to the resident owner, occupier or operator as are deemed necessary to determine whether the soil erosion and sediment control measures required by the approved plan are being properly performed, and whether such measures are effective in controlling soil erosion and sediment resulting from the land-disturbing activity. Such resident owner, occupier or operator shall be given an opportunity to accompany the inspectors. If it is determined that there is failure to comply with the approved plan, the plan-approving authority shall serve notice upon the person who is responsible for carrying out the plan at the address specified by him in his certification at the time of obtaining his approved plan, or by delivery at the site of the permitted activities to the agent or employee of the permittee supervising such activities. Such notice shall set forth the measures needed for compliance and the time within which such measures shall be completed. Upon failure of such person to comply within the specified period, he will be deemed to be in violation of the article and upon conviction shall be subject to the penalties provided by the article.

Section 5A-11. Penalty.

- (a) A violation of this chapter shall be deemed a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation. (3-10-75).
- (b) The County or the Commission may apply to the court of record in the jurisdiction wherein the land lies, or to the Circuit Court of the City of Richmond should the land lie in more than one jurisdiction, for injunctive relief to enjoin a violation or a threatened violation

under Section 5A-5 or Section 5A-9 of this Chapter, without the necessity of showing that there does not exist an adequate remedy at law.

- (c) Upon receipt of a sworn complaint of a substantial violation of either Section 5A-5 or Section 5A-9 of this Chapter from the department of public works, the chief administrative officer of the County or the Commission may, in conjunction with or subsequent to a notice to comply, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the chief administrative officer from taking any other action specified in Section 5A-11.

ORDINANCE NO. 16A-12

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 9-6, PENALTIES FOR PAYMENT OF LICENSE TAX; AND ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 9-59, FORTUNETELLERS, CLAIRVOYANTS AND PRACTITIONERS OF PALMISTRY, PHRENOLOGY AND HANDWRITING ANALYSIS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-6, Penalties for payment of license tax; and Section 9-59, Fortunetellers, clairvoyants and practitioners of palmistry, phrenology and handwriting analysis.

Chapter 9. Licenses

Article I. In General

Section 9-6. Penalties for payment of license tax.

Any person conducting any business, occupation or profession, or doing other things for which a license tax is required under this chapter, without applying for and obtaining such license as set forth in section 9-5, or who shall fail to obtain any tag, certificate or sign required under this chapter, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), and each day of default shall constitute a separate offense. Such conviction shall not relieve any such person from the payment of any license tax imposed by this chapter.

In addition to the above fine, if any license tax imposed by this chapter is not paid within the time prescribed in section 9-5, there shall be added to such license tax a penalty of ten (10) per cent or ten dollars (\$10.00) whichever shall be the greater; provided, however, that the penalty shall in no case exceed the amount of tax due. In addition thereto interest in the amount of eight (8) per cent per annum shall commence thirty (30) days following the date on which such tax is due.

In the case of a false or fraudulent application where willful intent exists, a penalty of fifty (50) per cent of the amount of the proper tax shall be assessed.

Article II. Specific Businesses and Activities

Section 9-59. Fortunetellers, clairvoyants and practitioners of palmistry, phrenology and handwriting analysis.

Any and every person who, for compensation, shall pretend to tell fortunes or assume to act as a clairvoyant or to practice palmistry, phrenology or handwriting analysis, shall pay a license tax of one thousand dollars per annum. Any person engaging in such business without the required license shall be guilty of a Class 3 Misdemeanor.

This license shall not be proratable or transferable.

State law references - Authority of county to require license, penalty for doing business without a license, Code of Va., Section 58.1-3726.

ORDINANCE NO. 66A-18

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY; ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 11-46, KEEPING OF INOPERATIVE AUTOMOBILES IN RESIDENTIAL, COMMERCIAL ZONE, OR LIMITED AGRICULTURAL, A-2, ZONE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of state law; Section 11-28, Adoption of state law, generally; and Section 11-46, Keeping of inoperative automobiles in residential, commercial zone, or limited agricultural, A-2, zone.

Chapter 11. Motor Vehicles and Traffic

Article I. In General

Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.1 of the Code of Virginia, as amended, and in force on July 1, 1986, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.1 of the Code of Virginia

which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.1 of the Code of Virginia.

Article II. Driving Automobiles, etc., While Intoxicated or Under the
Influence of any Drug

Section 11-28. Adoption of state law, generally.

Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1986, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

Article III. Stopping, Standing and Parking

Section 11-46. Keeping of inoperative automobiles in residential, commercial zone, or limited agricultural, A-2, zone.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial or limited agricultural, A-2, purposes, any motor vehicle, trailer or semitrailer, as such is defined in Section 46.1-1 of the Code of Virginia, which is inoperative. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

The owners of property zoned for residential or commercial or limited agricultural, A-2, purposes shall, at such time as the County or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the County through its own agent or employees may remove them. The County through its own agent or employees may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes and levies are collected. Every cost authorized by this Section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the County.

State law reference - Authority of board of supervisors to enact this section, Code of Virginia, Section 15.1-11.1.

ORDINANCE NO. 66A-19

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 11-40.2, PARKING IN THE STATE SECONDARY SYSTEM OF HIGHWAYS; SECTION 11-40.3, PARKING IN FIRE LANES; SECTION 11-40.4, PARKING WITHOUT A VALID LICENSE DECAL; SECTION 11-40.5, UNCONTESTED PAYMENT OF PARKING CITATION PENALTIES; CERTIFICATION OF CONTEST OF CITATION; AND SECTION 11-40.6, PROCEDURE FOR DELINQUENT PARKING CITATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained effective October 1, 1986 by adding Section 11-40.2, Parking in the state secondary system of highways; Section 11-40.3, Parking in fire lanes; Section 11-40.4, Parking without a valid license decal; Section 11-40.5, Uncontested payment of parking citation penalties; certification of contest of citation; and Section 11-40.6, Procedure for delinquent parking citations.

Article III. Stopping, Standing and Parking

Section 11-40.2. Parking in the state secondary system of highways.

(a) No person shall park a vehicle on any highway which is part of the state secondary system of highways within James City County which has been designated and marked a no parking zone. Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

(b) The prohibition set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic control device, or in case of vehicular breakdown, or in an emergency which renders it necessary.

Section 11-40.3. Parking in fire lanes.

It shall be unlawful for any person to park a vehicle in a designated fire lane. Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

Section 11-40.4. Parking without a valid license decal.

It shall be unlawful for any owner of a vehicle required to have a decal to park his or her vehicle (including motorcycles, motorbikes and minibikes), trailer, or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer, or semitrailer. Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

Section 11-40.5. Uncontested payment of parking citation penalties; certification of contest of citation.

(a) Every person receiving a citation from a law-enforcement officer that he has violated a provision of the County Code regulating parking may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of ten dollars (\$10.00) to the county treasurer's office, within five (5) days after receipt of the citation, or upon voluntarily placing ten dollars (\$10.00) in a reply mail envelope and mailing it to the county treasurer's office, so that it is postmarked within forty-eight (48) hours after receipt of the citation. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation.

(b) All uncontested parking citations paid under this section shall be accounted for by the county treasurer. The contest, by any person, of a parking citation shall be certified, in writing, upon an appropriate form, to the general district court by the county treasurer.

(c) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Section 11-40.6. Procedure for delinquent parking citations.

(a) The treasurer shall cause a complaint, summons, or warrant to be issued for delinquent parking citations.

(b) Notwithstanding the provisions of subsection (a) above, before any complaint, summons, or warrant shall issue for the prosecution of a violation of this Code or other ordinance of the county regulating parking, the violator

shall have been first notified, by registered mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice. The notice to the violator required by the provisions of this section shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height. If the violator fails to pay such fine within the required time, the officer issuing such summons shall be notified.

ORDINANCE NO. 107A-4

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 18-7.3. PENALTIES FOR LATE APPLICATION OR FILING; AND SECTION 18-7.4. PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES; AND ARTICLE III, PERSONAL PROPERTY TAX, SECTION 18-13.2. PERSONAL PROPERTY TAX ON MOTOR VEHICLES AND TRAILERS; PRORATION THEREOF.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by repealing Section 18-7.3, Penalties for late application or filing, and Section 18-7.3 is hereby declared null and void and of no effect; amending Section 18-7.4, Penalties and interest for late payment of taxes; and amending Section 18-13.2, Personal property tax on motor vehicles and trailers; proration thereof.

Chapter 18. Taxation

Article I. In General

Section 18-7.4. Penalties and interest for late payment of taxes.

Pursuant to Section 58.1-3915 and Section 58.1-3916 of the Code of Virginia, 1950, as amended, the board of supervisors hereby imposes the following penalties and interest for the late payment of county levies. Each person failing to remit county levies on or before the fifth day of December shall incur a penalty thereon of ten (10) per cent or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. Said penalty shall be added to the amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto interest in the amount of eight (8) per cent per annum shall commence the first day of the month following the month in which such taxes are due.

Article III. Personal Property Tax

Section 18-13.2. Personal property tax on motor vehicles and trailers; proration thereof.

(a) There shall be a personal property tax at a rate established each year by the board of supervisors on motor vehicles and trailers, (hereafter referred to in this section as "taxable property") which have a situs within the county on January first of each year and which acquire a situs within the county on or after January the second of each year. When taxable property acquires a situs within the county on or after January second, the personal property tax for that year shall be assessed to the owner prorated on a monthly basis for the portion of the tax year during which the taxable property has situs within the county. When taxable property with a situs in the county is transferred to a new owner within the county, the personal property tax shall be assessed to the new owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. All taxable property shall be assessed as of January first of each year or, if it acquires situs or has its title transferred after January first, as of the first day of the month in which the taxable property acquires situs within the county or has its title transferred. The owner of taxable property acquiring situs within the county or to whom taxable property is transferred shall file a declaration of property ownership to the commissioner of revenue within thirty (30) days of the date on which such property acquires a situs within the county or has its title transferred to such owner.

(b) When any taxable property loses its situs within the county or its title is transferred to a new owner, the taxpayer shall from that time be relieved from personal property tax on such property and receive a refund of personal property tax already paid, or a credit against personal property taxes outstanding against the taxpayer, at the option of the commissioner of revenue, on a monthly prorated basis, upon application to the commissioner of revenue; provided, that application is made within one year from the last day of the tax year which the taxable property lost situs or had its title transferred.

(c) Any person who fails to pay personal property taxes on or before the date due shall incur a penalty of ten (10) per cent of the tax due, or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of tax due. Said sum shall become part of the taxes due. Interest at the rate of eight (8) per cent per centum from the first day following the day such taxes are due shall be paid upon the principal and penalties of such taxes remaining unpaid.

(d) An exemption from this tax and any penalties arising therefrom shall be granted for any tax share or portion thereof during which the property was legally assessed by another jurisdiction and proof is presented to the commissioner of revenue indicating that such tax on the assessed property was paid.

State law reference—Code of Virginia, Section 58.1-3516.

ORDINANCE NO. 160

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMALS AND FOWL; CHAPTER 4A, DANCE HALLS; CHAPTER 9, LICENSES; CHAPTER 12, OUTDOOR GATHERINGS; AND CHAPTER 13, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING THE FOLLOWING SECTIONS: SECTION 3-2. DISPOSITION OF CARCASSES; SECTION 4A-4. INVESTIGATION PRIOR TO HEARING OR TO ISSUANCE OF PERMIT; SECTION 4A-16. RIGHT OF ENTRY OF SHERIFF'S DEPARTMENT; SECTION 9-55. DETECTIVE AGENCIES AND WATCHMEN; SECTION 9-118. SAME-REFERRAL OF APPLICATION TO CERTAIN ADMINISTRATIVE OFFICERS; SECTION 9-123.1. RIGHT OF INSPECTION; SECTION 9-131. PERMIT REQUIRED; METHOD OF OBTAINMENT; RENEWAL; SECTION 9-133. RECORDS TO BE KEPT; INSPECTION THEREOF; SECTION 12-6. CONDITIONS PRECEDENT TO GRANTING OF PERMIT; PLANS, STATEMENTS, APPROVALS, ETC., TO ACCOMPANY APPLICATION FOR PERMIT; AND SECTION 13-12. SAME-DUTY OF LAW ENFORCEMENT OFFICERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animals and Fowl; Chapter 4A, Dance Halls; Chapter 9, Licenses; Chapter 12, Outdoor Gatherings; and Chapter 13, Offenses-Miscellaneous, of the Code of the County of James City, Virginia, are hereby amended and reordained by amending the following sections: Section 3-2. Disposition of carcasses; Section 4A-4. Investigation prior to hearing or to issuance of permit; Section 4A-16. Right of entry of police department; Section 9-55. Detective agencies and watchmen; Section 9-118. Same-Referral of application to certain administrative officers; Section 9-123.1. Right of inspection; Section 9-131. Permit required; method of obtainment; renewal; Section 9-133. Records to be kept; inspection thereof; Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit; and Section 13-12. Same-Duty of law enforcement officers.

Chapter 3 - Animals and Fowl

Article I. In General

Section 3-2. Disposition of carcasses.

(a) The owner of any animal or fowl which has died from any cause shall forthwith cremate or bury the carcass thereof in a lawful and sanitary manner. If he fails to do so within twenty-four (24) hours after notice by the police department, dog warden or other county officer, the county shall have such carcass so disposed of by its own agents or employees, in which event the expenses therefor shall be chargeable to and paid by the owner of such carcass and may be collected as taxes and levies are collected.

(b) As used in this section, the word "owner" shall include any person having a right of property in an animal or fowl, and any person who keeps or harbors an animal or fowl or who has it in his care, or who acts as its custodian, and a person who permits an animal or fowl on or about any premises occupied by him.

State law references—Authority of board of supervisors to enact this section, Code of Va., Section 15.1-11(1); additional state law as to disposition of animal and fowl carcasses, Code of Va., Section 18.2-510; additional state law as to disposition of dog carcasses, Code of Va., Section 29-213.90, similar state laws definition of "owner" as applied to dogs, Code of Va., Section 29-213.36.

Chapter 4A - Dance Halls

Article I. In General

Section 4A-4. Investigation prior to hearing or to issuance of permit.

The county administrator shall, in all instances, prior to the issuance of a permit under Section 4A-5, cause a copy of the application to be forwarded to the offices of the fire chief, chief of police, and zoning administrator and any other department or official who in his judgment would be affected by such application or might have comments pertaining thereto.

Article II. Conditions and Restrictions

Section 4A-16. Right of entry of police department.

Members of the police department or sheriff's department may enter any dance hall, operated pursuant to a license for which a permit was obtained under the provisions of this chapter, at all hours to insure that the peace and quiet of the county is preserved.

Chapter 9 - Licenses

Article II. Specific Businesses and Activities

Section 9-55. Detective agencies and watchmen.

(a) Every person operating a detective agency, or engaged in a business as a detective, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of revenue a certificate or permit from the chief of police of this county, recommending the applicant as a person of good moral character with no police record.

(b) Every person operating a business or agency furnishing watchmen, including ship watching for compensation, shall pay an annual license tax of thirty dollars (\$30.00) or thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.

Article V. Massage Parlors

Section 9-118. Same-Referral of application to certain administrative officers.

The director shall refer such application to the county administrator within five (5) days of its receipt. The county administrator shall forward copies of such application to the administrative offices of the county charged with the enforcement of the building, plumbing, electric and fire prevention codes. A copy of such application shall also be referred to the police department. Each department shall, within ten (10) days inspect the premises proposed to be operated as a massage parlor and make written recommendations to the county administrator concerning compliance with the codes that they administer.

Section 9-123.1. Right of inspection.

The police department or the sheriff's department and the department of public health shall, from time to time, at least twice a year, make an inspection of each massage parlor granted a permit under the provisions of this article for the purposes of determining whether the provisions of this article are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Article VI. Secondhand Articles

Division 1. Buyers of Gold, Silver, Diamonds and Jewelry

Section 9-131. Permit required; method of obtainment; renewal.

(a) No person shall engage in the activities of dealer as defined in section 9-130 without first obtaining a permit from the chief of police.

(b) To obtain a permit, the dealer shall file with the chief of police an application form which shall include the dealer's full name, any aliases, address, age, sex, photograph and fingerprints; the name, address and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a two hundred dollar (\$200.00) fee, the chief of police shall within thirty (30) days, conduct an investigation of the applicant and his proposed operation. If the applicant is found to be of good moral character and not to have been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of application, a permit shall be granted. A permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article.

(c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures official and present written evidence of such approval to the chief of police.

(d) The permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual fee of two hundred dollars (\$200.00). No permit shall be transferable.

(e) If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

Section 9-133. Records to be kept; inspection thereof.

(a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for not less than twenty-four (24) months. These records shall set forth the following:

- (1) A complete description of all precious metals or gems purchased from each seller. The description shall include all names, serial numbers or other identifying marks or monograms on each item purchased, the true weight or karat of any gem and the price paid for each item;
- (2) The date and time of receiving the items purchased; and

- (3) The name, address, age, sex, race, driver's license number or social security number and signature of the seller.

(b) The information required by paragraph (a) of section 9-133 shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within twenty-four (24) hours of the time of purchase to the chief of police.

(c) Every dealer shall admit to his premises during regular business hours the chief of police, his sworn designee, the sheriff, or his sworn designee, or any other law enforcement official of the state or federal governments, and shall permit such law enforcement officer to examine all records required by this article, and to examine any article listed in a record which is believed by the officer to be missing or stolen.

Chapter 12 - Outdoor Gatherings

Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements, and approvals are submitted to the board of supervisors with the application:

- (a) Hours of operation: No stage presentation, entertainment or music shall take place at an outdoor gathering between the hours of 11:00 p.m. and 9:00 a.m.; no activity involving the use of any means of sound amplification shall be permitted between the hours of 11:00 p.m. and 9:00 a.m.
- (b) Admission by ticket only: The applicant under this chapter shall not admit, and shall prevent the entrance to the premises on which the outdoor gathering is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his duties. The permittee shall not sell, give or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any persons to an outdoor gathering if such admission would result in a greater number of persons present than allowed by the permit.
- (c) Water supply: The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location and type of water facilities on the premises shall be approved by the health department prior to the issuance of a permit under this chapter.
- (d) Toilet and-or lavatory facilities: The applicant shall provide a statement and plan concerning adequate toilet and-or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. This plan shall be approved by the health department.

- (e) Waste management: The pickup and removal of refuse, trash, garbage and rubbish from the site of an outdoor gathering shall be at least once a day and more often if required by the health department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within forty-eight (48) hours after the conclusion of the gathering. A security bond or certified check in a total amount of five thousand dollars (\$5,000.00) shall be required if attendance is expected to exceed one thousand (1,000) persons. An additional amount of five hundred dollars (\$500.00) shall be required for each additional five hundred (500) persons over one thousand (1,000).
- (f) Medical facilities: Adequate medical facilities shall be provided as required by the department of public health and the EMS coordinator.
- (g) Fire protection: The applicant shall provide a plan for adequate fire protection as approved by the fire chief. It shall be provided at the applicant's own expense.
- (h) Traffic and parking control: The applicant shall provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided. The chief of police and fire chief shall approve the traffic control and parking plans.
- (i) Security: At least one off-duty county sheriff's deputy or policeman for each five hundred (500) attendees approved in the permit shall be in attendance during all performances; the applicant shall bear the costs thereof.
- (j) Food: A plan for the adequate provision and handling of food shall be provided and shall be approved by the county health officer.
- (k) Illumination: A statement shall be provided specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the gathering is located.
- (l) Noise: Noise levels resulting from the gathering shall not be unreasonably audible beyond the property on which the gathering is held. The applicant shall submit a written statement specifying the expected noise level at the perimeter of the property.
- (m) Communication system: If the premises are without a phone, the applicant shall make arrangements, approved by the chief of police and fire chief, for other means of communication.
- (n) Promoters, financial security: The applicant shall provide the names and addresses of all persons acting as promoters, proprietors, presenters or financial backers of the outdoor gathering, together

with financial statements of such persons, sufficient to give assurance of the ability of such persons to meet the conditions of the permit and respond in damages which may rise out of the outdoor gathering, or shall provide evidence of adequate liability insurance as approved by the county attorney.

- (o) Dates and hours of gathering: The applicant shall provide the date or dates and hours during which the outdoor gathering is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments or other events.
- (p) Type and nature of gathering: The applicant shall provide a description of the gathering and the type and nature of the performances, entertainment or floor shows, together with the names of the expected performers.
- (q) Site plan: The applicant shall furnish a site plan showing:
 - (1) The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - (2) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands and stages.
 - (3) The location, capacity and nature of all temporary lighting, sound and public address facilities.
 - (4) The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.
 - (5) Vehicle ingress, egress, and parking plan.

Chapter 13 - Offenses - Miscellaneous

Section 13-12. Same—Duty of law enforcement officers.

Whenever any police or other officer charged with the duty of enforcing the laws of this state or the ordinances of this county shall discover or have his attention called to the fact that any minor under the age of eighteen years is in or on any street, park, vacant lot, playground, wharf, dock, place of amusement or is in or upon any other public place, whether of like kind or not, between the hours of 12:00 Midnight and 5:00 a.m. of the following day, the officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor is in violation of any of the provisions of section 13-11. If such investigation reveals that such presence of such minor is in violation of any of the provisions of section 13-11, then the officer shall take the name and address of such minor and the name and address of the parent, guardian or other person having the care and

custody of such minor, and shall issue a summons or otherwise notify such minor and such parent, guardian or other person having the care and custody of such minor, in writing, to appear before the judge of the juvenile and domestic relations court of the county at a time to be specified in such summons or notice, to be there dealt with according to the provisions of sections 13-10 to 13-12 and the laws of the state applicable thereto. The officer shall also order such minor to forthwith proceed to his home or place of abode; and should such minor refuse or fail so to do, the officer shall take such minor to his home or place of abode should he deem such advisable.

Should any such minor refuse to give such officer his name and address or the name and address of his parent, guardian or other adult person having the care and custody of such minor, such officer shall take such minor to the James City County Law Enforcement Center or to the Williamsburg city police headquarters and there detain him until such time as he can be turned over to the officers of the juvenile and domestic relations court of the county to be dealt with in the manner required by law. (9-30-65, Sections 3, 4.)

Extension Agreement No. 106 - 1986
 Location: Grove Subdivision - Phase II
 James City County, Virginia

CITY OF NEWPORT NEWS, VIRGINIA
 DEPARTMENT OF PUBLIC UTILITIES
 AGREEMENT TO EXTEND WATER MAIN

This Agreement, made this _____ day of _____, 19 ____, by and between the City of Newport News, a Municipal Corporation in the Commonwealth of Virginia, hereinafter referred to as "City", and Sanitary District No. 2, hereinafter referred to as "Applicant".

WHEREAS, the Applicant has applied to the City for permission to connect to its system and extend the water main or mains to serve the premises, constructed or intended to be constructed, on the tract or plot of land as shown on the development map or plot plan attached hereto and made a part hereof, known as Grove Subdivision - Phase II, and marked Exhibit "A"; and,

WHEREAS, the City is willing to permit connection to its system and provide retail water service to the aforementioned development.

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained the parties hereto agree as follows:

1. The Applicant agrees:

a. At his own sole cost and expense, to furnish all labor, tools, materials and services to install water mains and appurtenances in accordance with the layout shown on Exhibit "A", and to conform to the Specifications and Details attached hereto, and made a part hereof. Construction Drawings will be furnished by the City upon execution of this Agreement and water pipeline work will not begin without these drawings.

b. At his own cost and expense upon completion thereof, to furnish "as-built" drawings, manufacturer's affidavits for pipe and fittings, as well as a breakdown of the total cost of the installation as paid by the Applicant.

c. To pay the City upon execution and delivery of this Agreement, the sum of Four Thousand Four Hundred Eighteen Dollars, (\$4,418.00), the cost of service pipes, supervision, inspection, blow-off installations and the estimated cost of the tie-ins into the existing system as shown on Exhibit "B", attached hereto. Upon completion of the tie-ins and blow-off installations, if it is found that the actual cost exceeds the estimated cost of \$2,300.00, then you will pay this amount to the City, and if the actual cost is less than \$2,300.00, the City will refund you the over payment. The cost of the service pipes, supervision and inspection is in no event refundable.

d. To furnish plat showing location of service pipes and provide a marker on site indicating location for service pipe installation on each lot or building as required.

2. The City agrees, upon completion of the installation by the Applicant and compliance with the other terms of this Agreement:

a. To sterilize and tie the installation into the existing system.

b. Install service pipes subject to current ordinance requirements as follows:

(1) All applications for water service connections or tap must be installed within a period of three years. If through no fault of the Department of Public Utilities, installation is not made within three years from the date of application, the fees paid in connection therewith shall be forfeited.

c. Maintain and operate the system.

3. The Applicant and City agree:

a. That no work shall be started until this Agreement has been executed by the Applicant, approved by the City, and all streets and sidewalks have been brought to final subgrade.

b. That the City assumes no responsibility for pavement repair if services must be installed after streets are paved.

c. That the City assumes no responsibility for the settlement of the trenches for water mains or service laterals after the installations are completed.

d. That the City shall have the right to make further extension of this water main extension after its completion.

e. That this Agreement shall be binding upon the respective parties, their successors and assigns.

f. That the facilities installed under this Agreement shall be the property of the City, its successors and assigns.

EXHIBIT "B"

Estimated cost of the installation of water facilities to serve the property known as Grove Subdivision - Phase II, as shown on plat attached and charge for service pipes.

445 feet of 4" Ductile Iron Pipe (Class 52)
No fire hydrants

DEVELOPER'S ESTIMATED COST TO CONTRACTOR (Pipe to be laid by the Developer in accordance with Specifications)	\$ 5,400.00
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CITY'S COST

9 - Service Pipes @ \$205.00 (which will service 5/8" meters)	1,845.00
Supervision & Inspection	273.00
Tie-Ins, Flushing and Blow-Off Installations	2,300.00

DEVELOPER'S COST TO CITY	\$ 4,418.00
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TOTAL ESTIMATED COST	\$ 9,818.00
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A maintenance bond or letter of credit in the amount of \$2,500.00 is to be posted prior to acceptance of the water system and tie-in to the existing system which shall be in effect for one year beginning at date of pressure test.

The Developer shall mark in blue paint on wooden stakes the letter "W" to indicate location for water services.

In the event that meters and service pipes may be covered with concrete driveways or walks, then such meters and service pipes shall be relocated at the expense of the Developer or Owner.

The estimated cost of pipeline does not include the cost of connection to City's Distribution System. Material for this work and the labor and equipment will be furnished by the Department of Public Utilities at expense of Developer as provided in the Agreement.