

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY-EIGHT, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Thomas D. Mahone, Vice-Chairman, Jamestown District

Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

Mr. Edwards made a motion to convene into executive session for personnel matters, pursuant to Section 2.1-344(a)(1) of the Code of Virginia 1950, as amended.

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

Mr. Edwards reconvened the Board at 7:00 p.m.

B. ORGANIZATIONAL MEETING

Mr. Norman asked for nominations for Chairman of the Board of Supervisors.

Mr. Mahone nominated Mr. Edwards for Chairman.

Mr. DePue made a motion to close the nominations.

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

Mr. Edwards asked for nominations for Vice-Chairman of the Board of Supervisors.

Mr. Taylor nominated Mr. Mahone.

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

Mr. Edwards asked for nominations for Chairman of the Board of Directors of the James City Service Authority.

Mr. DePue nominated Mr. Taylor.

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

Mr. Edwards asked for nominations for Vice-Chairman of the Board of Directors of the James City Service Authority.

Mr. Mahone nominated Mr. DePue.

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

Mr. Edwards welcomed Mr. Thomas K. Norment, Jr., of Roberts District to the Board.

Suspension; revocation of certification, Section 4-33. Registration of contractors performing work within the County, Section 4-36. Provisions governing prosecution; authority of building official or other special police officers, Section 4-37. Generally, and Section 4-38. Authority of county attorney as to abatement.

BE IT FURTHER ORDAINED that Municipal Code Corporation is hereby authorized to assign such chapter, article and section numbers, and to insert the provisions hereof at such location in the James City County Code as shall be deemed appropriate and editorially advisable.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 1. Generally

Section 4-1. Purpose of article.

The purpose of this article is to preserve and secure the health, safety and general welfare of the citizens of the county, and for those who are domiciled elsewhere but visit or are employed in the county, by assuring proper construction, alteration, addition, repair, removal, demolition, location, use and occupancy, and maintenance of all buildings and structures and their service equipment within the county.

Section 4-2. Conflict of this article with other articles and ordinances.

Any ordinance or article of the Code of the County of James City, or any parts thereof, which are inconsistent with or are in conflict with the provisions herein contained are hereby repealed. This in no way, however, supersedes or nullifies any of the provisions of Chapter 20, Zoning, except as that chapter pertains to the elements set forth in section 4-1 above.

Section 4-3. Adoption; amendments.

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of the

Mr. Edwards asked whether the Board wanted to change the meeting dates of first Monday, evening meeting at 7:00 p.m., and third Monday, afternoon meeting at 1:00 p.m.

Mr. Mahone spoke in favor of keeping the meeting times as they have been and as stated in the resolution, and he felt the Board should commit itself to longer hours for the afternoon meeting.

Mr. DePue stated that he was comfortable with the resolution and hoped that his informal suggestions would be followed to accomplish more business during the meetings.

Mr. Taylor supported Mr. DePue's remarks.

Mr. Norment agreed with the hours and current procedure.

Mr. Edwards suggested scheduling more business at the afternoon meeting, spending less time on zoning cases and more time on services and work sessions.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is requested by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the following rules shall apply for the year 1988.

1. Regular meetings of the Board shall be held twice a month on the Mondays shown on the attached 1988 calendar, in the Board Room of the James City County Government Center. The meeting times shall be 7:00 p.m. for the first meeting of the month and 1:00 p.m. for the second meeting of the month.
2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

Mr. DePue suggested sending a copy of the resolution to the Planning Commission for its consideration to aid in streamlining its meetings.

Mr. Edwards asked for nominations of officers for the James City County Transit Company.

Mr. DePue made a motion to appoint the Board of Supervisors as the James City County Transit Company Board of Directors, and nominated Mr. Norment as President and Anthony Conyers, Jr., as Secretary/Treasurer.

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

Mr. Edwards made a motion to recess the Board for a James City County Transit Company meeting.

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

C. MINUTES - December 21, 1987

Mr. Edwards reconvened the Board and asked if there were corrections or additions to the minutes.

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

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

D. PUBLIC HEARINGS

1. Case No. Z-26-87. Temple Hall Estates

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the Planning Commission had forwarded a request initiated by citizen petition to rezone approximately 88 acres known as the Temple Hall Estates Subdivision from A-1, General Agricultural, to R-1, Limited Residential.

The Planning Commission unanimously recommended approval of the case.

Mr. DePue asked for clarification of whether and in what manner the residents were notified of the rezoning.

Mr. Sowers replied that property owners were notified, and two signs were posted in the subdivision.

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

Mr. DePue made a motion to approve Case No. Z-26-87.

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

R E S O L U T I O N

CASE NO. Z-26-87. TEMPLE HALL ESTATES

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-20-87 for rezoning approximately 88 acres known as the Temple Hall Estates Subdivision from A-1, General Agricultural, to R-1, Limited Residential; and

WHEREAS, the Planning Commission, following its Public Hearing on November 24, 1987, unanimously recommended approval of Case No. Z-26-87.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-26-87 as described herein.

2. Case No. Z-23-87. Warhill Tract

Mr. Sowers stated that Mr. Michael Scruggs, on behalf of Virginia International Finance and Development, Inc., has applied to rezone approximately 213 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers to allow for the development of a recreational and nature-oriented residential community.

Mr. Sowers stated that the Planning Commission recommended approval of the rezoning, by a vote of 5-2, to R-3 with proffers, providing that the proffers are put in legally acceptable form ensuring that the voluntary limitations are enforceable, and provided that suitable access to the property is acquired and recorded.

Staff recommended deferral until such time that suitable access to the property is acquired and recorded.

Mr. Norment questioned if this parcel had been rezoned previously, and if the permitted density of two units per acre is two units on 213 acres, or two units on the 150 acres suitable for development.

Mr. Sowers responded that the parcel had been brought before the Planning Commission, and withdrawn due to access problems, and that the two units per acre applied to the entire parcel of 213 acres.

Mr. Norment asked for an explanation of why the applicant proffered a 100-foot buffer when the Greenbelt Policy recommends 150 feet.

Mr. Sowers stated that the 100-foot buffer was part of the original proffers and was discussed by the Planning Commission.

Mr. DePue suggested that the applicant review the Greenbelt Policy and past problems of buffers, and clarify the wording.

Mr. Edwards opened the public hearing.

Mr. Joseph Phillips, representing Virginia International Finance and Development, Inc., confirmed that the applicant was aware of the greenbelt problems and for that reason the statement "...all plats of subdivision and site plans which any portion of the area within 100 feet of such right-of-way line shall designate such portion as permanent green space" was included; therefore, those areas would be designated on the recorded plats.

Mr. Phillips continued that the applicant was concerned with postponement of the case because of highway access. The Virginia Department of Transportation gives no assurance that alternate access will be provided. The applicant requests the rezoning so that he may pursue providing the necessary access.

Mr. DePue submitted that a visual inspection of the area by the Board was important.

Mr. Phillips consented and stated that Mr. Scruggs, the applicant, planned to use natural vegetation in the open areas.

Mr. Edwards asked if anyone wished to speak, and as no one did, he closed the public hearing.

Mr. DePue made a motion to postpone Case No. Z-23-87, and stated that he had some reservations about the proffers and hoped that the postponement would give additional time for addressing that concern. He concluded that he had no problem with the R-3 designation.

Mr. Taylor asked if the postponement would have a time limit.

Mr. DePue responded the time limit would be consistent with the staff recommendation.

Mr. Edwards asked the number of dwelling units that could be developed in a R-1 zone.

Mr. Sowers replied two units per acre.

On a roll call, the vote was AYE: Norment, Mahone, DePue, Edwards (4). NAY: Taylor (1).

3. Case Nos. SUP-33-87 and SUP-36-87. Peggy C. Randall Day Care Center

Mr. Sowers stated that Ms. Peggy C. Randall had applied for special use permits to operate a day care center in the R-3, General Residential District.

Staff and the Planning Commission recommend the approval of SUP-33-87 and SUP-36-87 with conditions as shown in the resolutions.

Mr. Edwards opened the public hearing.

1. Peggy C. Randall, 104 Tarleton Bivouac, requested the Board's approval of the special use permits so that quality child care would be available in the Grove area.

Mr. Edwards closed the public hearing.

Mr. Norment made a motion to approve Case Nos. SUP-33-87 and SUP-36-87. He applauded Ms. Randall for undertaking the project and filling a need for a day care facility in the Grove area.

Mr. Mahone mentioned Item 2 in the resolution and was concerned that the State might not issue a license after the facility was built. He asked Mr. Morton if approval of the resolution was in order.

Mr. Morton responded that Ms. Randall appeared aware of a potential problem.

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

R E S O L U T I O N

CASE NO. SUP-33-87. PEGGY C. RANDALL DAY CARE CENTER

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, on November 24, 1987, unanimously recommended approval of Case No. SUP-33-87.

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-33-87 as described herein with the following conditions.

1. This special use permit shall allow the construction and operation of a one-story day care center to provide care to a maximum of 60 children; however, the maximum number shall also not exceed the number authorized and licensed by the State Department of Social Services. The structure shall not exceed a height of 35 feet from the existing grade.
2. The appropriate licensing shall be obtained for this facility from the State Department of Social Services prior to operation.

3. A separate special use permit shall be approved by the Board of Supervisors for the portion of Parcel 35A to be included as part of this development. Also, the proposed additional 25 feet to be added to the rear of this parcel from (Parcel 35A) shall be acquired, platted and recorded prior to final site plan approval.
4. If a kitchen facility is to be included in the building, detailed plans including an equipment list; floor plans; finished materials list for walls, ceilings, floors etc., shall be submitted to the State Health Department for approval prior to the issuance of a building permit.
5. Landscape screening shall be provided within a ten-foot wide landscape strip adjacent to the rear and side property lines, providing screening for adjacent residences. Landscaping within this area shall be determined and approved by the Site Plan Review Committee.
6. If construction has not begun within 24 months from the date of issuance of this permit, it shall be void. Construction shall be defined as clearing, grading, excavation and pouring of footings required for construction of the facility allowed by the permit.

R E S O L U T I O N

CASE NO. SUP-36-87. PEGGY C. RANDALL DAY CARE CENTER

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, on December 15, 1987, unanimously recommended approval of Case No. SUP-36-87.

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-36-87 as described herein with the following conditions.

1. This special use permit shall only allow Parcel (35A) to be used as a play area and open space, allowing uses such as storage sheds, recreation facilities and other related items as needed, in conjunction with a day care center located on the adjacent Parcel 35B (8584 Pocahontas Trail).
2. The portion of Parcel (35A) which is to be used in conjunction with the day care center shall be acquired, platted as a Boundary Line Adjustment and put to record as a single lot with Parcel (35B) prior to final site plan approval. The special use permit shall not apply to any remnant or new parcel created by the subdivision of Parcel (35A).
3. Landscape screening shall be provided within a ten-foot wide landscape strip adjacent to the rear and side property lines, providing screening for adjacent residences. Landscaping within this area shall be determined and approved by the Site Plan Review Committee.

4. Case No. SUP-34-87. Lake Powell Road Water Transmission Main

Mr. Sowers stated that Mr. Sanford Wanner of the James City Service Authority had applied for a special use permit to allow the construction of a 12-inch water transmission main along Lake Powell Road.

The Planning Commission unanimously recommended approval of the special use permit with conditions as listed in the resolution.

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

Mr. Mahone asked if a problem would arise when the pavement is widened.

Mr. Wanner replied in the negative.

Mr. Edwards made a motion to approve Case No. SUP-34-87.

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

R E S O L U T I O N

CASE NO. SUP-34-87. LAKE POWELL ROAD WATERLINE EXTENSION (JCSA)

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 unanimously recommended approval of Case No. SUP-34-87 to allow the construction of a 12-inch water transmission main a distance of approximately 1,600 feet along Lake Powell Road between Rolling Woods Drive and the entrance to Kensington Woods Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-34-87 as described herein with the following conditions:

1. Compliance with all local, State and Federal requirements for the construction, operation and maintenance of the force main.
 2. Compliance with all State Erosion and Sediment Control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
 3. Acquisition of all required permits and easements prior to the commencement of construction.
 4. For pipeline construction adjacent to existing residential development, adequate dust and siltation control measures will be taken to prevent adverse effects on the adjacent residential property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
 5. If construction has not commenced on the project within a period of 36 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grubbing and excavation of trenches necessary for the construction of the water main.
5. Case No. SUP-31-87. David A. Nice
 6. Case No. SUP-35-87. David A. Nice

Mr. Sowers stated that Mr. David A. Nice had applied for a special use permit to allow the construction of an office building in the Reservoir Protection Overlay District, zoned A-1, General Agricultural, and for a special use permit to operate a builder's office and storage shed.

Staff recommended approval of Case No. SUP-31-87 with conditions listed in the resolution, and the Planning Commission, by unanimous vote, recommended approval of Case No. SUP-35-87 with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve Case No. SUP-31-87 and Case No. SUP-35-87.

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

R E S O L U T I O N

CASE NO. SUP-31-87. DAVID A. NICE BUILDING, INC., OFFICE BUILDING

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.

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-31-87 as described herein with the following conditions.

1. The execution of an Inspection/Maintenance Agreement prior to final site plan approval and as approved by the County Attorney for performance assurances pertaining to runoff control and reservoir protection measures.
2. A note shall be added to the site plan stating that construction of the infiltration trenches shall be delayed until disturbed areas draining to the trenches are stabilized.
3. A vertical observation pipe shall be provided in the center of each infiltration trench to improve the ability to monitor the performance of the trench upon completion. Details for this pipe shall be shown on the site plan prior to final site plan approval. The depth of the pipe shall be equal to that of the trench.
4. A soils test shall be provided to ensure that soils are suitable for use with infiltration trenches. The soil test information shall be reviewed and approved by the Division of Code Compliance prior to final site plan approval.
5. If construction of this facility has not begun within a 24-month period from the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, and the excavation and pouring of all footings covered by this permit.

R E S O L U T I O N

CASE NO. SUP-35-87. DAVID A. NICE

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, on November 24, 1987, unanimously recommended approval of Case No. SUP-35-87.

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-35-87 as described herein with the following conditions.

1. This Special Use Permit shall allow the construction and operation of an office building not to exceed one and one-half stories in height, limited to a total of 2,970 square feet, as well as the use of an existing 2,500 square foot storage shed on this site. In no case shall the structure exceed a height of 35 feet from the existing grade.
2. If construction has not begun within 24 months of the date of issuance of this permit, it shall be void. Construction shall be defined as clearing, grading, excavation, and pouring of footings required for construction of the facility allowed by the permit.
3. Landscape screening shall be provided for this development, as determined and approved by the Site Plan Review Committee.

7. Amendment to Chapter 2, Section 2-41, Absentee Voter Election District

Mr. Morton stated that the Electoral Board had requested an amendment to the County Code to establish a central absentee voter election district for Presidential Preference Primary elections.

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

Mr. Mahone made a motion to approve the Ordinance amendment.

Mr. Taylor asked where the Code change would be sent.

Mr. Morton replied that the amendment would be sent to the United States Justice Department, as required by the Voting Rights Act.

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

8. Amendment to Chapter 4, Building Regulations

Mr. Morton stated that the amendment had two substantive changes: (1) The sections which are covered by the Virginia Uniform Statewide Building Code or the Utility Regulations have been eliminated; and (2) pursuant to the VUSBC, this Ordinance creates a Tradesman Certification Board which replaces the individual Plumbing Examiners and Electrical Examiners Boards.

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

Mr. Mahone questioned Section 4-8(b) and asked for clarification of wording by deletion of the \$2,400.

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

Mr. Mahone noted the sentence "...the fee shall be at the rate of one (1) percent of current value of all service, labor and materials," and questioned whether engineering should be included.

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, replied that statement applies to the fees for alterations to real property, and does not include planning or design that might be involved.

Mr. Mahone concurred with no change to the statement.

Mr. Edwards made a motion to approve the amended amendment.

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

9. Amendment to Chapter 5A, Erosion and Sedimentation Control

Mr. Morton stated that Section 5A-3 and Section 5A-11 were amended to replace public works with code compliance as the plan approving authority and enforcer of the Ordinance.

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

Mr. Mahone asked if the revision was more stringent than what was used in the past.

Mr. Morton responded that the handbook was being used currently.

Mr. Mahone made a motion to approve the amendment.

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

10. Amendment to Chapter 9, Licenses

Mr. Morton stated that State law now restricts a county's taxing authority regarding telephone and telegraph companies and water companies. The sections covering those companies were overlooked when the County Code was amended for heat, light and power companies.

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

Mr. Edwards made a motion to approve the amendment.

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

11. Amendment to Chapter 13, Offenses - Miscellaneous

Mr. Morton stated the amendment standardizes the language of four Code sections to conform with the other Code sections in the chapter.

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

Mr. Mahone asked if property had to be posted before trespassing could be enforced.

Mr. Larry Davis, Assistant County Attorney, indicated that the property must be specifically posted, or a warning given.

Mr. Mahone made a motion to approve the amendment.

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

12. Amendment to Chapter 18, Taxation

Mr. John McDonald, Manager of Financial and Management Services, stated that the amendment was to establish a permanent board of equalization and specifying deadlines for appeals of real estate assessments.

Mr. McDonald continued that the County currently has a five-member board of equalization appointed annually, and the change would establish a permanent board of three members. He added that staff proposes an appeals deadline of June 1, or 60 days after the mailing of the assessment notice, whichever is later, for appeals to the real estate assessment office. Staff also proposes that all appeals to the board of equalization have a deadline of July 1, or 30 days after the review deadline, whichever is later.

Mr. Taylor asked if the deadline is 60 days from the mailing of the assessments or until June 1, whichever comes later.

Mr. McDonald replied that the deadline is 60 days after the assessment notice is mailed.

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

Mr. Mahone asked how an assessment done in March can be considered a January date.

Mr. McDonald responded that an assessment done in the last months of a year predicts the January 1 market value.

Mr. Mahone indicated that he would be more comfortable with Section 18-28 reading "...or 90 days after the mailing date..." so that citizens would have more time to ask for a review, and because the County has not had a deadline previously.

Mr. Mahone made a motion to change 60 days to read 90 days in Section 18-28.

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

Mr. McDonald noted that with the change from 60 days to 90 days, the June 1 date should become July 1, and the July 1 date should become August 1, because notices mailed out in March, with 90 days to request a review, would make the June 1 deadline ineffective.

Mr. Taylor made a motion to amend the June 1 date to July 1, and the July 1 date to August 1.

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

13. Pre-Budget Public Hearing

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

Mr. Mahone indicated his concern that no County residents were in attendance to give their input during the pre-budget public hearing. He noted that in past years special interest groups had attended, and that he felt the Board could do a better job when input from the community is received.

Mr. Mahone urged citizens to contact the Board with their concerns and comments regarding the budget.

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Mahone asked that Item No. 2 be removed, and he made a motion to approve the Consent Calendar, Item No. 1.

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

1. Budget Amendment - Schools

R E S O L U T I O N

BUDGET AMENDMENT

WHEREAS, the Williamsburg/James City County School Board is required to conduct an asbestos study under new EPA regulations and that study had not been foreseen in the current budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby appropriates, from surplus monies remitted by the Schools, \$34,232 as its share of the estimated \$45,000 necessary to meet the Federally mandated asbestos inspection program:

Return of School Surplus	+ \$34,232
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Contribution to Schools	+\$34,232
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County approves an amendment to the appropriations for the Joint School Board, as follows:

Revenues and Expenditures, Currently Authorized	\$22,379,756
Adjustment-Asbestos Program	<u>45,000</u>
Amended Appropriations	\$22,424,756

2. Bank Resolutions

Mr. Mahone stated that the resolution for United Virginia Bank of Williamsburg should be revised to designate the correct name.

Mr. McDonald concurred.

Mr. Mahone made a motion to amend the United Virginia Bank of Williamsburg resolution by changing the name to Crestar Bank and approve all resolutions.

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

R E S O L U T I O N

VIRGINIA FEDERAL SAVINGS AND LOAN

BE IT RESOLVED that Virginia Federal Savings and Loan, Williamsburg, Virginia, be and it is hereby designated a depository for the James City County Community Development Revolving Loan Fund effective August 18, 1986, and that funds be deposited in a money market account and 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 three of the following:

David B. Norman County Administrator

OR

John E. McDonald Financial and Management Services
Manager

Betty S. Pettengill Treasurer

OR

Barbara S. Miller Deputy Treasurer

OR

Eunice P. Stewart Deputy Treasurer

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 are deposited to the individual credit of the person so signing and/or countersigning said 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 or Eunice P. Stewart, Deputy Treasurer. 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.

R E S O L U T I O N

CRESTAR

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

ACCOUNT NUMBER: 95-00499

JAMES CITY COUNTY PETTY CASH

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 one of the following:

David B. Norman County Administrator

OR

John E. McDonald Financial and Management Services
Manager

OR

Walter Schmidt Financial and Management Services
Assistant Manager

OR

Marsha Hahn Accounting Supervisor

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. 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.

R E S O L U T I O N

CENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

ACCOUNT NUMBER: 0900223293

JAMES CITY COUNTY GENERAL FUND

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

Jack D. Edwards Chairman

OR

Thomas D. Mahone Vice-Chairman

David B. Norman County Administrator

OR

John E. McDonald Financial and Management Services
Manager

Betty S. Pettengill Treasurer

OR

Barbara S. Miller Deputy Treasurer

OR

Eunice P. Stewart Deputy Treasurer

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 are deposited to the individual credit of the person so signing and/or countersigning said 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 or Eunice P. Stewart, Deputy Treasurer. 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.

R E S O L U T I O NCRESTAR

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

ACCOUNT NUMBER: 96-9058-1

JAMES CITY COUNTY COMMUNITY
DEVELOPMENT

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 three of the following:

Jack D. Edwards	Chairman
	OR
Thomas D. Mahone	Vice-Chairman
David B. Norman	County Administrator
	OR
John E. McDonald	Financial and Management Services Manager
Betty S. Pettengill	Treasurer
	OR
Barbara S. Miller	Deputy Treasurer
	OR
Eunice P. Stewart	Deputy Treasurer

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 or Eunice P. Stewart, Deputy Treasurer. 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.

RESOLUTION

CENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

ACCOUNT NUMBER: 0900223285

JAMES CITY COUNTY GENERAL FUND

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

Jack D. Edwards Chairman

OR

Thomas D. Mahone Vice-Chairman

David B. Norman County Administrator

OR

John E. McDonald Financial and Management Services
Manager

Betty S. Pettengill Treasurer

OR

Barbara S. Miller Deputy Treasurer

OR

Eunice P. Stewart Deputy Treasurer

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 are deposited to the individual credit of the person so signing and/or countersigning said 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 or Eunice P. Stewart, Deputy Treasurer. 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.

R E S O L U T I O NSOVRAN BANK, N.A.

BE IT RESOLVED that the Sovran Bank, N.A., of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Account 202-0197-7 James City County Subdivision Escrow
Account 202-0955-7 Housing Rehabilitation Escrow

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 three of the following:

Jack D. Edwards	Chairman
	OR
Thomas D. Mahone	Vice-Chairman
David B. Norman	County Administrator
	OR
John E. McDonald	Financial and Management Services Manager
Betty S. Pettengill	Treasurer
	OR
Barbara S. Miller	Deputy Treasurer
	OR
Eunice P. Stewart	Deputy Treasurer

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 or Eunice P. Stewart, Deputy Treasurer. 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.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone asked for an update on the rabies inoculation report.

Mr. Morton responded that the report would be available at the next Board meeting.

Mr. Mahone referenced the comment about a merger of the County and the City of Williamsburg at the last Board meeting. He requested the County Attorney's office prepare a report for the reading file on how the County might acquire a city charter.

Mr. Edwards made a motion to convene into executive session for personnel matters pursuant to Section 2.1-344(a)(1) of the Code of Virginia 1950, as amended, at 8:50 p.m.

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

Mr. Edwards reconvened the Board at 9:32 p.m.

Mr. Edward made a motion to approve the annual appointments' list for Board members.

Advisory Council - 9th Judicial Services Unit/Colonial Group Home Commission/Crossroads	Mahone
Chamber of Commerce	DePue
Community Action Agency	Edwards/Shirley Hundley Norment/Don Messmer Mahone/Tony Conyers
Courthouse Committee	Norment/Mahone
Farmers Advisory Committee	Taylor
Housing Commission	DePue
Pamunkey River Study Committee	Taylor
Peninsula Planning District Commission	Mahone/Norment
Joint Sanitary District No. 1 Board	Mahone/Norment
School Subcommittee	Norment/Edwards
Social Services Board	Edwards
Transportation Safety Commission	Mahone
Virginia Peninsula Economic Development Council	DePue

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

Mr. DePue made a motion to reappoint Eula Radcliffe and Hammond Branch to a three-year term, expiring January 4, 1991, on the Clean County Commission.

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

Mr. Norment nominated Mr. William F. Brown for appointment to a four-year term, expiring January 4, 1992; Mr. DePue nominated Ms. Carolyn Lowe for appointment to a four-year term, expiring January 4, 1992, on the Planning Commission; and Mr. Mahone nominated Mr. Alexander Kuras for reappointment to a four-year term, expiring January 4, 1992, on the Planning Commission.

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

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 9:38 p.m.



David B. Norman
Clerk to the Board

0464w

* JANUARY

3	4	5	6	7	1	2
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

BOS meetings..... 6th & 20th
New Year's Day..... 1st
Martin Luther King, Jr. Day..... 18th

* FEBRUARY

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

BOS meetings..... 1st & 22nd
Washington's Birthday..... 19th

MARCH

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

BOS meetings..... 7th & 21st

APRIL

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

BOS meetings..... 4th & 18th

MAY

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

BOS meetings..... 2nd & 16th
Memorial Day..... 30th

JUNE

			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

BOS meetings..... 8th & 20th

1st Monday Meeting-7:00 P.M.

*Regular meeting date changed

LOCATION: 101-C Mounts Bay Road
Williamsburg, VA 23185

* JULY

3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

BOS meetings..... 11th & 25th
Independence Day..... 4th

* AUGUST

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

BOS meetings..... 1st & 22nd
NACD..... 8th - 8th

* SEPTEMBER

				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

BOS meetings..... 12th & 26th
Labor Day..... 8th

* OCTOBER

2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

BOS meetings..... 15th & 21st
VNA..... 2nd - 4th
KDMA..... 15th - 27th

NOVEMBER

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

BOS meetings..... 7th & 21st
Veterans Day..... 11th
Thanksgiving..... 24th & 25th

DECEMBER

4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

BOS meetings..... 8th & 15th
Christmas Holiday..... 25th & 26th

2nd Monday Meeting-1:00 P.M.

MAILING ADDRESS: P.O. Box JC
Williamsburg, VA 23187

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, SECTION 2-4.1, CENTRAL ABSENTEE VOTER ELECTION DISTRICT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4.1, Central absentee voter election district.


Chapter 2. Administration

Article II. Magisterial District, Election Districts
and Election Precincts

Section 2-4.1. Central absentee voter election district.

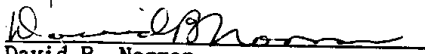
(a) There is hereby established for the county a central absentee voter election district for all general elections and Presidential Preference Primary elections. The polling place of the central absentee voter election district shall be located in close proximity to the registrar's office.

(b) The central absentee voter election district shall conform in all aspects with the revisions of Section 24.1-233.1 of the Code of Virginia (1950), as amended. (Ord. No. 55A-6, 10-15-84; Ord. No. 55A-7, 7-8-85)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

JAN 4 1988

ORDINANCE NO. 81A-4

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA, PROVIDING FOR THE REPEAL OF SECTION 4-1 THROUGH SECTION 4-86 OF CHAPTER 4, BUILDING REGULATIONS, BY REPEALING AND REPLACING SAID SECTIONS WITH NEW SECTIONS 4-1 THROUGH 4-38.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Section 4-1 through Section 4-86 are hereby repealed and replaced by enacting and reordaining new Section 4-1. Purpose of article, Section 4-2. Conflict of this article with other articles and ordinances, Section 4-3. Adoption; amendments, Section 4-4. When and where copies may be obtained, Section 4-8. Generally, Section 4-9. Refunds, Section 4-10. Exemptions, Section 4-13. Limitation on authority to connect building to supply of electricity or gas, Section 4-14. Authority to disconnect electricity or gas supply, Section 4-15. Duty of public utility to disconnect premises on order, Section 4-16. Refusal of building permit when building cannot be served by public sewer or approved sewage disposal system, Section 4-21. Establishment, Section 4-22. Appointment, Section 4-23. Jurisdiction, Section 4-26. Board established, Section 4-27. Term of office, Section 4-28. Jurisdiction, Section 4-29. Procedure; duties, Section 4-30. Certification fees, Section 4-31. Noncertified tradesmen generally, Section 4-32.

Suspension; revocation of certification, Section 4-33. Registration of contractors performing work within the County, Section 4-36. Provisions governing prosecution; authority of building official or other special police officers, Section 4-37. Generally, and Section 4-38. Authority of county attorney as to abatement.

BE IT FURTHER ORDAINED that Municipal Code Corporation is hereby authorized to assign such chapter, article and section numbers, and to insert the provisions hereof at such location in the James City County Code as shall be deemed appropriate and editorially advisable.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 1. Generally

Section 4-1. Purpose of article.

The purpose of this article is to preserve and secure the health, safety and general welfare of the citizens of the county, and for those who are domiciled elsewhere but visit or are employed in the county, by assuring proper construction, alteration, addition, repair, removal, demolition, location, use and occupancy, and maintenance of all buildings and structures and their service equipment within the county.

Section 4-2. Conflict of this article with other articles and ordinances.

Any ordinance or article of the Code of the County of James City, or any parts thereof, which are inconsistent with or are in conflict with the provisions herein contained are hereby repealed. This in no way, however, supersedes or nullifies any of the provisions of Chapter 20, Zoning, except as that chapter pertains to the elements set forth in section 4-1 above.

Section 4-3. Adoption; amendments.

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of the

effective date set forth below or subsequently issued, and the whole thereof and the same is hereby incorporated herein as fully as if set out in length. The effective date of the provisions of such code is September 9, 1974, and shall control all matters set forth in section 4-1 above, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such code, and shall apply to all existing and proposed structures in the county; prior to the enactment of this code, all matters set forth in section 4-1 above were governed by the provisions of the Southern Building Code and amendments thereto. Certain sections and subsections of the Uniform Statewide Building Code are amended as follows:

(1) BOCA Basic Building Code.

- (a) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall be found, the words "County of James City" shall be substituted therefor.
- (b) Wherever the parenthetical phrase "date of adoption of this code" shall be found, the word and numbers "September 1, 1974" shall be substituted therefor.
- (c) The words and numbers "10 feet" shall be inserted in the second line of Section 1807.2.1 and in the second line of Section 1807.2.2 on page 339 of the BOCA Basic Building Code.
- (d) The dollar amounts of one hundred thousand (\$100,000.00), two hundred thousand (\$200,000.00) and twenty-five thousand (\$25,000.00) shall be inserted in the fourth, fifth and sixth lines, respectively, of Section 1906.1 on page 350 of the BOCA Basic Building Code.

(2) BOCA Basic Plumbing Code.

- (a) Wherever the parenthetical phrase "date of adoption of this code" appears, substitute the word and numbers "September 1, 1974."
- (b) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."
- (c) The words and numbers "1 foot and 18 inches" shall be inserted in the second and third lines of Section P-308.3 on page 31 of the BOCA Basic Plumbing Code.
- (d) The words "the distance as required by the James City Service Authority Regulations Governing Utility Service" shall be inserted in the third line of Section P-303.2 on page 30 of the BOCA Basic Plumbing Code.

(3) BOCA Basic Mechanical Code.

- (a) The date of adoption of this code is September 1, 1974.
- (b) Wherever the parenthetical phrases "name and municipality" or "name of jurisdiction" shall appear, substitute the words "County of James City."

(4) National Electrical Code.

- (a) Wherever reference is made to governmental bodies or area jurisdiction the words "County of James City" shall be deemed to apply.
- (b) Wherever the terms "authority having jurisdiction" or "competent authority" or terms similar in nature are used, it shall be deemed to mean the "building official or a representative he may designate." Such representative shall normally be the electrical inspector or chief electrical inspector.

(5) One- and Two-Family Dwelling Code.

- (a) Table No. R-202 in Section R-202.2 of that code is amended by adding the following underlined words and numbers under each of the columnar headings as follows:

Roof live load, pounds per square feet	<u>20</u>
Roof snow load, pounds per square feet	<u>20</u>
Wind pressure in pounds per square feet	<u>25</u>
Seismic condition by zone	<u>4</u>
Subject to damage from:	
Weathering	<u>Yes, 12 inches</u>
Frost line depth	<u>Yes, 12 inches</u>
Termite	<u>Yes</u>
Decay	<u>Yes</u>

- (6) Requirement to use Virginia Administrative Amendments--Accumulative Supplements.

It is mandatory that the codes referenced in subsection (1) through (5) above be compared with and updated by the Virginia Administrative Amendments--Accumulative Supplements prior to final interpretation of any of the provisions of those codes.

Section 4-4. When and where copies may be obtained.

Copies of the Virginia Uniform Statewide Building Code are available to members of the public in the office of the Board of Housing and Community Development in accordance with Section 36-104, Code of Virginia, 1950, as amended. Copies of the publications adopted herein shall be offered for public inspection and review when available at the office of code compliance during regular business hours.

Division 2. Permit and Inspection Fees

Section 4-8. Generally.

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) Building Permits:

(a) The minimum fee for any building permit shall be ten dollars (\$10.00).

(b) For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be as follows:

Total Square Footage:

0 - 40,000 square feet, per square foot \$0.06

40,001 or more square feet, \$2,400.00, plus \$0.05
per square foot in excess of 40,000 square feet

(c) For the construction of a garage, barn, pole shed, or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be five cents (\$0.05) per square foot of the exterior dimensions of the building.

(d) For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one (1) per cent of the current value of all service, labor and materials.

- (e) For the demolition or razing of any building or structure having a floor area greater than two hundred (200) square feet the fee shall be ten dollars (\$10.00). No fee shall be charged for a permit to raze a building with a floor area of two hundred fifty (250) square feet or less.
- (f) For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of five cents (\$0.05) per square foot of the gross floor area.
- (g) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one (1) per cent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ten dollars (\$10.00).

A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.

(2) Plumbing Permits:

- (a) The minimum fee for any plumbing permit shall be ten dollars (\$10.00).
- (b) For the installation of each plumbing fixture or appliance, the fee shall be four dollars (\$4.00).
- (c) For the installation of the water distribution system in each building, the fee shall be four dollars (\$4.00).
- (d) For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be four dollars (\$4.00).
- (e) For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain, or other similar device, the fee shall be four dollars (\$4.00).

(3) Electrical Permits:

- (a) The minimum fee for any electrical permit shall be ten dollars (\$10.00).
- (b) For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	Single Phase	Three Phase
0 - 60 amps	\$20.00	\$25.00
61 - 100 amps	25.00	30.00
101 - 150 amps	30.00	35.00
151 - 200 amps	35.00	40.00
Over 200 amps, plus \$10.00 for each additional 50 amps or fraction thereof over 200 amps	35.00	40.00

- (c) For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ten dollars (\$10.00).

- (d) For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be twenty dollars (\$20.00) for service up to and including two hundred (200) amperes; or twenty dollars (\$20.00) plus ten dollars (\$10.00) for each fifty (50) amperes or fraction thereof over two hundred (200) amperes. For relocation of any existing service for which the size is not increased, the fee shall be ten dollars (\$10.00). No additional fee shall be charged for outlets when the size of the service is increased.

- (e) For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1 - 100 outlets	\$10.00
Over 100 outlets, plus \$0.10 for each outlet over 100.....	10.00

(4) Mechanical and Gas Permits:

- (a) The minimum fee for any mechanical or gas permit shall be ten dollars (\$10.00).

- (b) Basic permit fee:

(1) First \$1,000.00 value	\$20.00
(2) Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof	20.00

- (c) For the replacement, repair, or alteration of mechanical systems or equipment in existing buildings, structures, or additions thereto:

(1) First \$1,000.00 value	\$10.00
(2) Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof	10.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- (d) Fuel piping permit fee: $0.005 \times \$1,000.00$ of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.
- (e) L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):
- | | |
|--|---------|
| 0 - 500 | \$15.00 |
| 501 - 2,000 | 20.00 |
| Over 2,000, plus \$1.00 per 10,000 gallons | 20.00 |
- (f) Tanks and associated piping for flammable liquids permit fee (capacity in gallons):
- | | |
|---|---------|
| 0 - 10,000 | \$15.00 |
| 10,001 - 20,000 | 20.00 |
| 20,001 - 50,000 | 25.00 |
| Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof | 25.00 |
- (g) For the removal of storage tanks, the minimum fee shall be ten dollars (\$10.00).
- (h) For fire suppression systems, the permit fee shall be (includes standpipes):
- (1) New construction: Same as basic fee in subsection (b)(1) above.
 - (2) All others: Same as basic fee in subsection (b)(1) above.
- (i) Elevators, dumbwaiters, moving stairways, moving walks, manlifts on special hoisting and conveying equipment permit fee:
- (1) New construction: Same as basic fee in subsection (b)(1) above.
 - (2) All others: Same as basic fee in subsection (b)(1) above.
- (j) Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five (5) years and charged a fee of ten dollars (\$10.00) for each six-month period.

- (5) Elevator Inspections:
 - (a) The fee for a semiannual elevator inspection shall be thirty-five dollars (\$35.00).
 - (b) Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a twenty-five dollar (\$25.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.
- (6) Plan Review Fee:
 - (a) The fee for the review of building plans shall be ten dollars (\$10.00) for each one thousand square feet of floor space, or part thereof, reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review, or at the discretion of the Building Official, at the time of permit issuance.
 - (b) Revised plans: There shall be no fee for the review of revised building plans unless such plans are substantially different than the original plans and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.
- (7) Certificate of Occupancy Inspection:
 - (a) The fee for an inspection for a certificate of occupancy shall be twenty dollars (\$20.00).
 - (b) No certificate of occupancy shall be issued until all inspection fees have been paid.
- (8) Mobile Home Installation Fee:
 - (a) The fee for the inspection of the installation of a mobile home shall be forty dollars (\$40.00).
 - (b) The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.
- (9) Reinspection: When any building, electrical, mechanical or plumbing inspector is required to make a reinspection of work or a mobile home for the convenience of the contractor, subcontractor, or mobile home owner because of incomplete, inadequate, or improper work or installation, or because the inspector could not obtain reasonable access to the work or mobile home to be inspected, there shall be a fifteen dollar (\$15.00) reinspection

fee for each reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

Section 4-9. Refunds.

No fee paid for any permit covered under Section 4-8 of this Code shall be refunded unless the permit application is denied and a permit is not issued or if the permit is issued in error. If a permit is revoked, abandoned, or the project for which the permit is obtained is discontinued, a portion of the permit fee may be refunded after deducting ten dollars (\$10.00) for administrative costs plus fifteen dollars (\$15.00) for each normal inspection that has been made. No permit fee, the value of which is ten dollars (\$10.00) or less shall be refunded.

Section 4-10. Exemptions.

Where the owner of any premises is the United States of America, the commonwealth, the county or instrumentalities thereof, the payment of any permit fee established in Section 4-8 is hereby waived.

Article II. Supplemental Regulations

Section 4-13. Limitation on authority to connect building to supply of electricity or gas.

It shall be unlawful for any public utility company providing service in the county to furnish electricity or gas to make or permit to be made any connections with its electric or gas supply lines to any building, unless such electrical or gas piping installation in such building has been inspected and a certificate of inspection has been issued.

Section 4-14. Authority to disconnect electricity or gas supply.

- (a) In case of fire, natural disaster or other emergency the building official or his authorized representative, or any officer of the police department or fire department shall have the authority to order a public utility company to disconnect its electric or gas supply lines to any building or premises.
- (b) If any existing electrical wiring or equipment in or upon any building or premises in the county is found hazardous, defective or unsafe by any electrical inspector he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the electrical system. If upon reinspection at the end of the stated time period the electrical system has not been corrected, the electrical inspector shall order the electrical service to be disconnected under the authority contained in this section. Such order shall not bar any

prosecution for failing to comply with a lawful order to correct the electrical system. Should the electrical service be disconnected pursuant to this section, the owner shall have such electrical system inspected by the building official or his designee prior to the power being reconnected.

- (c) If any existing consumer's gas piping or gas burning equipment in or upon any building or premises in the county is found hazardous, defective, or unsafe by any mechanical inspector he shall give a written notice to the property owner enumerating the deficiencies and stating the time allowed to correct the gas system. If upon reinspection at the end of the stated time period the gas system has not been corrected, the mechanical inspector shall order the gas service to be disconnected under the authority contained in this section. Such order shall not bar any prosecution for failing to comply with a lawful order to correct the gas system. Should the gas service be disconnected pursuant to this section, the owner shall have such gas system inspected by the building official or his designee prior to the gas service being reconnected.

Section 4-15. Duty of public utility to disconnect premises on order.

It shall be the duty of the public utility company providing service in the county to disconnect any building or premises from its electrical or gas supply lines upon an order issued under the provisions of section 4-14 of this chapter. It shall be the further duty of such company to have a competent employee on duty at all times who shall promptly proceed to disconnect electrical or gas services upon issuance of such order.

Section 4-16. Refusal of building permit when building cannot be served by public sewer or approved sewage disposal system.

No building permit shall be issued by the building official for a proposed or existing building on any property within the county where the building is required to connect to a public sewer system by the James City Service Authority and such a connection is not provided or where the building is not required to connect to a public sewer system and is not served by a sewage disposal system approved by the Virginia Department of Health.

Article III. Board of Appeals

Section 4-21. Establishment.

There is hereby established a board of appeals as provided for in section 118.0 of the Virginia Uniform Statewide Building Code adopted in article I of this chapter.

Section 4-22. Appointment.

Members appointed to the building board of appeals in office prior to July 1, 1987, shall remain in office with the board of appeals until his term of office shall expire. Subsequent appointments and reappointments shall be made under the provisions of section 118.0 of the Virginia Uniform Statewide Building Code with respect to term of office and qualifications of members; provided, that no member shall be appointed for more than two consecutive five-year terms. The building official shall serve as secretary to the building board of appeals.

Section 4-23. Jurisdiction.

The jurisdiction of such board in acting on any appeal shall include the entire scope of the Virginia Uniform Statewide Building Code, as the same may be amended, and as adopted in article I of this chapter. Such board shall also act on any appeal specifically provided for in such other building regulations as may be established in this Code.

Article IV. Tradesmen Certification Board

Section 4-26. Board established.

There is hereby established a tradesmen certification board which shall consist of five members: one master electrician, one journeyman electrician, one master plumber, one journeyman plumber, and one citizen of the county.

Section 4-27. Term of office.

Initial appointments to the tradesmen certification board shall be made as follows:

- (a) Two journeymen members for a term of one year.
- (b) Two master members for a term of two years.
- (c) One citizen member for a term of three years. Subsequently, members shall be appointed or reappointed for terms of three years; provided that no member shall serve more than two three-year terms on the tradesmen certification board.

Section 4-28. Jurisdiction.

The tradesmen certification board is hereby empowered, in accordance with the "Standards To Be Used By Counties, Cities, And Towns In Determining The Ability, Proficiency and Qualifications Of Applicants For Certification As Plumbers, Building-Related Mechanical Workers and Electricians" promulgated by the Board of Housing and Community Development to:

- (a) Forward qualifying applications to the national testing organization which will administer the appropriate test of qualifications;
- (b) Receive and examine the test results from the national testing organization; and
- (c) Issue certificates of qualification provided by the board to applicants receiving a notice of satisfactory test results or otherwise being qualified under the tradesmen certification standards to perform work.

Section 4-29. Procedure; duties.

- (a) Such board shall elect a chairman who shall serve for the term to which they were appointed to the board. Re-elections shall be held whenever a member elected as chairman shall be reappointed to such board or whenever a vacancy shall occur.
- (b) Such board shall meet at the request of any member or at the call of the secretary. Three members of such board shall constitute a quorum to act on any application or examination for certification.
- (c) The chairman shall have the duty to coordinate and consult with the county attorney on matters of interpretation of regulations promulgated by the state board of housing as may pertain to the certification, examination, qualification, licensing or registration of electricians.
- (d) The building official shall serve as secretary to the board, and shall have the duty to record the proceedings of such board. Such record shall include attendance of members at each meeting and any official action taken by the board.

Section 4-30. Certification fees.

Each applicant for a certificate of qualification shall pay an examination fee at the time he or she submits an application. Examination fees shall be:

- (a) Master Plumber ... \$35.00
- (b) Journeyman Plumber ... \$25.00
- (c) Master Electrician ... \$35.00
- (d) Journeyman Electrician ... \$25.00

Section 4-31. Noncertified tradesmen generally.

Plumbers, electricians, and building-related mechanical workers not holding a current certificate of qualification granted by the tradesmen certification board may perform their trade within the scope of their employment only under the following conditions:

- (a) When working under the immediate supervision of a master as defined in the "Standards To Be Used By Counties, Cities and Towns In Determining The Ability, Proficiency And Qualifications of Applicants For Certification As Plumbers, Building-Related Mechanical Workers And Electricians"; or
- (b) When working on property owned by the noncertified tradesman performing the work; or
- (c) When working on any public right-of-way or easement where such work is under the direction, supervision or control of a master who is in the employ of the county.

Section 4-32. Suspension; revocation of certification.

- (a) The building official shall have the power to temporarily suspend the certificate of any plumber, building-related mechanical worker or electrician found to have performed work in an unsafe, dangerous or substandard manner. Such suspension shall continue in force and effect until such work is corrected and brought into compliance with the applicable code. Any such suspension shall be reported by the building official to the tradesmen certification board.
- (b) The tradesmen certification board shall have the power to revoke any certificate of qualification granted by such board when, after a hearing, it determines by an affirmative vote of not less than three members that the holder of such certificate is not qualified to supervise or perform his or her trade by reason of negligence or inability to understand and comply with the technical provisions of the applicable code. Such board shall also have the power to revoke any certificate of qualification when it determines that the application upon which such certificate was based contains any false statement, misrepresentation or omission of a material fact.

Section 4-33. Registration of contractors performing work within the County.

Any contractor performing work within the County shall present to the building official satisfactory proof of a current Virginia contractor's license before obtaining any building permits. Such local registration with the building official shall be updated annually or within 14 days of any change of qualification or address.

Article V. Violations and Penalties

Section 4-36. Provisions governing prosecution; authority of building official or other special police officers.

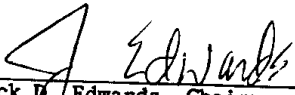
The provisions of the Virginia Uniform Statewide Building Code shall govern the prosecution of violations of such code as adopted in section 4-3 of this chapter; provided, that the building official or any person assigned to building inspection who has been appointed as a special police officer shall have the authority to serve a written notice of violation and to order the abatement of such violation. The building official or any such special police officer is hereby granted the authority to swear a summons to the general district court for any person in the county who shall fail to obey a lawful order contained in such notice of violation.

Section 4-37. Generally.

- (a) It shall be unlawful for any person to violate any provision of the Virginia Uniform Statewide Building Code or fail to comply with any of the requirements thereof or erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the building official or in violation of a permit or certificate issued under the VUSBC, and shall be punishable pursuant to Section 36-106 of the Code of Virginia by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense.
- (b) It shall be unlawful for any person to continue any work in or about the building after having been served with a stop work order, except such work as he or she is directed to perform to remove a violation, unsafe or substandard condition, and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00).

Section 4-38. Authority of county attorney as to abatement.

The imposition of the penalties herein prescribed shall not preclude the county attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a building or structure in or about any premises.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

ORDINANCE NO. 85A-6

JAN 4 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE; 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-6, Plans generally; certain procedures adopted by reference, 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 division of code compliance.

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; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86)

Section 5A-6. Plans generally; certain procedures adopted by reference.

An erosion and sedimentation control plan is required under this chapter. The erosion and sedimentation control plan shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

As a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, dated February 1980, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety, as part of this chapter.


Approved standards and specifications for control techniques to be utilized in preparing this plan are set forth in Chapter 3 of the Virginia Erosion and Sediment Control Handbook, dated February 1980, and as may be amended from time to time, which is adopted by reference, as fully as if set forth herein in its entirety as part of this chapter. (3-10-75)

Editor's note--Such procedures may be found on file in the office of the administrator.


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.
- (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 division of code compliance, 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 (7) 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 this section. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86)

Ordinance to Amend and Reordain
Chapter 5A. Erosion and Sedimentation Control
Page 4


Jack P. Edwards, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

JAN 4 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 9-57.1. PRIVATE WATER COMPANIES; SECTION 9-87. TELEGRAPH COMPANIES; AND SECTION 9-88. TELEPHONE COMPANIES.

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 9-57.1. Private water companies; Section 9-87. Telegraph companies; and Section 9-88. Telephone companies.

Chapter 9. Licenses

Article II. Specific Businesses and Activities

Section 9-57.1. Private water companies.

Every person engaged in the business of furnishing water from private water sources for domestic, commercial and industrial consumption in this county, shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from sales to the ultimate consumer within this county, excluding, however, such service furnished federal, state and local public authorities, its offices or agencies and sales for resale to other water companies. (Ord. No. 16A-7, 11-16-81)

State law reference — Local taxation of water or heat, light and power companies, see Code of Va., Sections 58.1-2626, 58.1-2627, 58.1-2690, 58.1-3731.

Section 9-87. Telegraph companies.

On each and every telegraph company conducting business in this county and delivering messages without additional charge to any point within the county limits, for the business done exclusively within this county and not including

any business done to or from points without the state, and not including any business done for the government of the United States, its officers or agents, shall pay an annual license tax equal to one-half of one per centum of the gross receipts derived from sales to the ultimate consumer within this county. (Ord. No. 16A-7, 11-16-81)

State law reference — Local taxation of telegraph and telephone companies, Code of Va., Sections 58.1-2690, 58.1-3731.

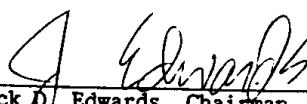
Section 9-88. Telephone companies.

On each and every telephone company conducting a telephone exchange in this county, and using and occupying the streets, avenues and alleys in the county, and conducting or maintaining the works of the telephone company, or any part thereof, along, over and under the streets, avenues and alleys in the county shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from sales to the ultimate consumer within this county, excluding, however, such service furnished federal, state and local public authorities, their offices or agencies.

This license is for the privilege of doing business for local services in this county and does not include any license charge for business done to and from points without this state, and does not include any license charge for any business done for the government of the United States, its officers or agents, and does not include any license charge for any interstate business. This license charge is restricted exclusively for local services and is no attempt to tax, regulate or hinder interstate commerce. (Ord. No. 16A-7, 11-16-81)


State law reference — Local taxation of telegraph and telephone companies, Code of Va., Sections 58.1-2690, 58.1-3731.

Ordinance to Amend and Reordain
Chapter 9. Licenses
Page 3



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

0194U

JAN 4 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 13-8. COUNTY PROPERTY--TAMPERING WITH, ETC., PERSONAL PROPERTY GENERALLY; SECTION 13-9. SAME--DAMAGE, ETC., TO AND TRESPASS UPON REAL PROPERTY; SECTION 13-24. PRIVATE PROPERTY PROTECTED--PERSONAL PROPERTY; AND SECTION 13-25. SAME--REAL PROPERTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-8. County property--Tampering with, etc., personal property generally; Section 13-9. Same--Damage, etc., to and trespass upon real property; Section 13-24. Private property protected--Personal property; and Section 13-25. Same--Real property.

Chapter 13. Offenses - Miscellaneous

Section 13-8. County property--Tampering with, etc., personal property generally.

It shall be unlawful for any person without proper authority to knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the county or any agency thereof.

Section 13-9. Same--Damage, etc., to and trespass upon real property.

It shall be unlawful for any person without proper authority to knowingly destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property belonging to, leased to or used by the county or any agency thereof.

Section 13-24. Private property protected--Personal property.

It shall be unlawful for any person to knowingly and without proper authority use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another.

State law reference--For state law as to injuring, etc., any property, monument, etc., real or personal property, see Code of Va., Section 18.2-137.

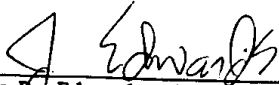
Cross reference--Damaging or jeopardizing property of another by fire, Section 6-3.

Section 13-25. Same--Real property.

It shall be unlawful for any person to knowingly and without proper authority destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property of another.

State law reference--For state law as to trespass after having been forbidden to do so, see Code of Va., Section 18.2-119.

Ordinance to Amend and Reordain
Chapter 13. Offenses - Miscellaneous
Page 3

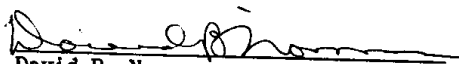


Jack P. Edwards, Chairman
Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
-------------------	-------------

NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

ATTEST:



David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

0195U

JAN 4 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE VI, REAL ESTATE ASSESSMENT.

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 adding Article VI, Real Estate Assessment, Section 18-27. Annual assessment and reassessment of real estate, Section 18-28. Deadline for appeal of assessment to department of real estate assessment and board of equalization, Section 18-29. Board of Equalization - Established, Section 18-30. Board of Equalization - Qualification; appointment, Section 18-31. Board of Equalization - Compensation, Section 18-32. Board of Equalization - Powers; Procedures, and Section 18-33. Board of Equalization - Public notice of hearings.

CHAPTER 18. TAXATION

ARTICLE VI. REAL ESTATE ASSESSMENT

Section 18-27. Annual assessment and reassessment of real estate.

Pursuant to Section 58.1-3253 of the Code of Virginia, 1950, as amended, there shall be an annual assessment and reassessment and equalization of assessments of all real estate in the County, such real estate to be assessed as of January 1 of each year.

Section 18-28. Deadline for appeal of assessment to department of real estate assessment and board of equalization.

Any property owner or lessee of real property in the county shall have the right to appeal any assessment thereof to the county's department of real estate assessment at any time prior to July 1 of the year for which the assessment was made or 90 days after the mailing date of the assessment notice, whichever is later. Any appellant remaining unsatisfied with the action taken on appeal may further appeal to the county's board of equalization by making application at any time prior to August 1 of the year for which the assessment was made or 30 days after the deadline for review by the county's department of real estate assessment, whichever is later. Any appeal not timely filed shall not be considered.

Section 18-29. Board of Equalization - Established.

Pursuant to Section 58.1-3373 of the Code of Virginia, 1950, as amended, there is created in the County of James City a permanent board of equalization which shall be called the James City County Board of Equalization. Such board shall consist of three members appointed by the circuit court for the City of Williamsburg and County of James City, as follows: one for a term of one year, one for a term of two years, and one for a term of three years. As the terms of the initial appointees expire, their successors shall be appointed for terms of three years.

Section 18-30. Board of Equalization - Qualification; appointment.

Members of the board of equalization shall meet the requirements set forth in Section 58.1-3374 of the Code of Virginia, 1950, as amended. Not later than January 15 of each year the Board of Supervisors shall, by resolution, submit the name of at least one qualified freeholder in the County to the circuit court for the City of Williamsburg and County of James City for appointment to the board of equalization pursuant to Section 58.1-3373 of the Code of Virginia, 1950, as amended. The board shall elect a chairman and a secretary from among its members.

Section 18-31. Board of Equalization - Compensation.

Each board of equalization member shall receive as full compensation for services performed the sum of sixty-five dollars per diem, except that the chairman of such board shall receive seventy-five dollars per diem.

Section 18-32. Board of Equalization - Powers; Procedures.

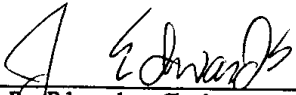
The board of equalization shall have and may exercise the power to increase, decrease, or affirm any assessment of real estate of which complaint is made and to that end shall have all powers conferred upon boards of equalization by the Code of Virginia. All applications for relief timely

filed shall be finally disposed of by the board not later than 30 days after the deadline for appeal to the board of equalization as set out in Section 18-28. If no applications for relief are received by the deadline for appeal, the board shall be deemed to have discharged its duties for the year unless it deems it appropriate to meet on its own motion.

Section 18-33. Board of Equalization - Public notice of hearings.


Pursuant to Section 58.1-3378 of the Code of Virginia, 1950, as amended, public notice of each sitting of the board of equalization shall be given at least ten days beforehand by publication in a newspaper having general circulation in the county and by posting the notice at the courthouse and at each voting precinct. Such posting shall be done by the sheriff or his deputy. Such notice shall inform the public that the board shall sit at the place or places and on the days named therein for the purpose of equalizing real estate assessments and for the purpose of hearing all complaints of inequalities including errors in acreage in such real estate assessments.

Ordinance to Amend and Reordain
Chapter 18. Taxation
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Jack H. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of January, 1988.

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