

170 AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF DECEMBER, NINETEEN HUNDRED NINETY-SIX, AT 4:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. WORK SESSION

1. 1996 Comprehensive Plan

Mr. Sisk acknowledged Mr. Sanford Wanner, County Administrator, who introduced Planning staff.

Board and staff discussed land use designation issues for growth management.

Mr. Sisk recessed the Board for dinner at 6:00 p.m.

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

C. PRESENTATIONS

1. Employee and Volunteer Outstanding Service Awards

Mr. Sisk presented plaques to: Employees - Pamela Johnson, Dean Heath, Russell Brown, Jr., Thomas Ebert, and Howard Anby in absentia; Employee teams - Brenda Grow, Jean Kuo, Patrick Page, and Thomas Pennington and Ralph Charlton, Renee Dallman, Caroline Rhodes, Barbara Watson, Vicki Sprigg, Marvin Sowers, Rick Hall, and Vaughn Poller; Volunteers - George Orenstein, Brian Murphy, and Donna Wood; Volunteer team - Suzanne Doley, Grace Raymond, Tony Bentivegna, Martha Kandler Smith, and Aileen Bartlett; and, Employee/Volunteer team - Mary Ann Brendel, Peggy Krapf, Duane McSmith, Fletcher Frye, and Noreen Bernstein.

The recipients thanked the Board.

2. Neighborhood Connections Steering Committee, Kenneth Johnston

Ms. Veronica Nowak, Neighborhood Connections Administrator, introduced Mr. Kenneth Johnston, Chairman of the Neighborhood Connections Steering Committee.

Mr. Johnston gave an evaluation of accomplishments in the community and stated that Committee recommendations would be presented for Board consideration in early 1997.

3. Williamsburg Land Conservancy, Norman Beatty

Mr. Norman Beatty, Executive Vice President, Williamsburg Land Conservancy, requested Board support of funding for the conservancy.

Mr. Sisk asked staff to consider using funds from Greenways for the Williamsburg Land Conservancy request during the budget process.

4. Farmers Market, Andrew Bradshaw

Mr. Andrew Bradshaw, representing the Farmers Market, gave an overview of the market's economics and suggested ways the County could support the Farmers Market.

D. MINUTES - November 26, 1996

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

Mr. DePue made a motion to approve the minutes.

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

E. CONSENT CALENDAR

Mr. Sisk asked if a Board member wished to remove any items from the Consent Calendar and requested Item No. 3 be removed.

Mr. Sisk made a motion to approve Item Nos. 1 and 2 on the Consent Calendar.

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

1. Trash and Grass Liens: 3376 Chickahominy Road; 7725 Canal Street; and 100 Herndon Jenkins Drive

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Acting Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Robert and Tracy Flanary
3376 Chickahominy Road
Toano, VA 23168

DESCRIPTION: 3376 Chickahominy Road

TAX MAP NO.: (22-2) (8-1)
James City County, Virginia

AMOUNT DUE: \$145.00

RESOLUTION**CODE VIOLATION LIEN**

WHEREAS, the Acting Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

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Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Larry J. Redding
71 James River Lane
Newport News, VA 23606-2118

DESCRIPTION: 7225 Canal Street

TAX MAP NO.: (19-1) (9-77)
James City County, Virginia

AMOUNT DUE: \$140.00

RESOLUTION**CODE VIOLATION LIEN**

WHEREAS, the Acting Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the

amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Torsion, Inc. 133 Waller Mill, No. 400 Williamsburg, VA 23185
DESCRIPTION:	100 Herndon Jenkins Drive
TAX MAP NO.:	(32-2) (1-65) James City County, Virginia
AMOUNT DUE:	\$135.00

2. Charles City County Mutual Aid Agreement

RESOLUTION

CHARLES CITY COUNTY MUTUAL AID AGREEMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve a fire mutual aid agreement with Charles City County for provision of fire and emergency medical services in a defined geographical area of Charles City County, with annual compensation for such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a fire mutual aid agreement with Charles City County, Virginia.

3. Police Department - Church Arson Prevention Grant

Mr. Sisk stated that the church arson prevention grant would allow the County to respond to the Reverend Ned Cary's request for lighting for safety reasons at the Morning Star Baptist Church on Route 60 East.

Mr. Sisk made a motion to approve Item No. 3.

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

RESOLUTION**APPROPRIATION OF CHURCH ARSON PREVENTION GRANT**

WHEREAS, The U.S. Department of Justice, Office of Justice Assistance, has approved a grant to the County for \$4,600 to be used in church arson prevention activities; and

WHEREAS, an account must be established into which these funds will be deposited and from which expenditures will be made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the appropriation of the \$4,600 from which the Police Department may make expenditures for church arson prevention activities:

Revenue:

Federal Church Arson Grant	<u>\$4,600</u>
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Expenditures:

Police Department	<u>\$4,600</u>
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F. PUBLIC HEARINGS

1. Case No. ZO-9-96. Ordinance Amendment, Chapter 20, Zoning, Article V, Districts, Division 9, Limited Business District, L.B. Section 20-369, Uses Permitted by Special Use Permit Only (Continued from November 26, 1996)

Mr. Patton stated that this item was deferred at the November 26, 1996, meeting to allow an opportunity for public input. He reiterated that the ordinance amendment would allow contractors offices with storage of construction materials and equipment limited to a fully enclosed building by a special use permit. Staff supported the amendment that would allow an opportunity for the County to consider impacts of proposed use and address them through conditions if necessary.

The Planning Commission, by a vote of 6-1, denied the ordinance amendment with the reason that ordinance amendments should be deferred until approval of the Comprehensive Plan update.

Mr. Sisk continued the public hearing.

1. Mr. Daniel Avery, 118 Nina Lane, stated that he opposed Limited Business zoning adjacent to residential for its encroachment on properties.

2. Mr. Belton Joyner, 104 Barley Mill Place, stated that small business would benefit from the ordinance amendment.

3. Mr. Mike Bucci, 5 Sheffield Road, spoke in favor of the ordinance amendment that would allow small businesses to exist and grow.

4. Mr. William Pinckney, 2 Sandstad Court, representing Kristiansand Homeowners Association, spoke in opposition to the ordinance amendment that would fail to provide solid buffer between business and residential.

5. Ms. Judy Rowe, 100 Tayside, President of Rowe Custom Homes, stated that when small business prospers, the community benefits from support of that business, and asked the Board to approve the ordinance amendment.

Mr. Sisk closed the public hearing.

Mr. DePue made a motion to approve the ordinance amendment.

Board members expressed that the amendment would add storage of construction equipment to already permitted plumbing and lumber storage uses; that the proposed change would affect many areas of the County; and that a special use permit allowed the Board to add appropriate conditions to each case.

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

2. Case No. SUP-30-96. Helen Randall Replacement Manufactured Home

Mr. Patton stated that Ms. Helen Randall had applied for a special use permit to allow replacement of an 18-year old manufactured home with a new double-wide manufactured home in A-1, General Agricultural, located at 132 Berkeley Town Road, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (10-3).

Staff recommended approval with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-30-96. HELEN RANDALL REPLACEMENT MANUFACTURED HOME

WHEREAS, it is understood that all conditions for the consideration of an application for a special use permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned by Elizabeth Robinson and developed by the applicant as described below and on the attached site location map.

Applicant:	Helen Randall
Real Estate Tax Map ID No.:	(10-3)
Parcel No.:	(1-9)
Address:	132 Berkeley Town Road
District:	Stonehouse
Zoning:	A-1, General Agricultural

Conditions:

1. This permit shall be valid only for the manufactured home described in the application. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standard.
3. The manufactured home shall be connected to the existing septic drain field and well in accordance with Health Department requirements prior to occupancy.
4. The manufactured home currently existing on the property shall be removed prior to placement of the new unit.

3. Case No. SUP-25-96. Texaco Convenience Store at Five Forks

Mr. Paul D. Holt, III, Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of C. Lewis Waltrip for a special use permit to allow the renovation of an existing Texaco gas and service station at the corner of Route 5 and Ironbound Road into a convenience store, located at 4454 John Tyler Highway, and further identified as Parcel No. (1-32) on James City County Real Estate Tax Map No. (47-1).

Mr. Holt detailed the surrounding area, access and traffic impacts, access requirements and traffic study recommendations.

Staff recommended denial of this application based on traffic concerns of the pattern of land use in the area, high levels of traffic and congestion, and the Comprehensive Plan transportation element noted that maintaining a level of service C in the Route 5 area would require careful coordination of future development and improvements.

The Planning Commission, by a 5-2 vote, recommended approval of the application.

Discussion by Board and staff regarding the traffic volume figures ensued.

Mr. Sisk opened the public hearing.

1. Mr. Vernon Geddy, III, representing Mr. Charles A. Morrison's application for Cam-Cam Grocery and Deli, stated that the permit would reuse a vacant building and the Mixed Use designation was consistent with Comprehensive Plan. He explained in detail the traffic issues of trip generation, volume figures and access configuration. He emphasized that the convenience store would be a small business with a tax base.

2. Mr. Bill Cashman, Langley and McDonald, gave figures on capacity, access and safety.

3. Mr. Frank Chipman, 3 Guest House Court, strongly opposed a food service facility located too close to the intersection.

4. Ms. Ingrid Jahn, 118 Dover Road, stated that the increasing volume of traffic on Route 5 from projected cluster housing was also a concern.

5. Mr. Ed Oyer agreed with Ms. Jahn's remarks.

The Board questioned the designation of convenience store. Staff clarified description was by products available for sale.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. Magoon questioned whether the Virginia Department of Transportation (VDOT) could be flexible regarding curb cuts for aesthetic reasons.

Mr. Quintin Elliott stated that the one access cut was for safety reasons.

Mr. Edwards suggested a deferral of the case to further study traffic impact.

Mr. Magoon requested a break for consultation with applicant.

Mr. Sisk declared a fifteen-minute break at 9:42 p.m.

Mr. DePue left the meeting at 9:45 p.m.

Mr. Sisk reconvened the Board at 9:57 p.m.

Mr. Taylor withdrew his motion.

Mr. Magoon asked for a meeting of VDOT officials, County staff, applicant, traffic engineer and civil engineer to address traffic concerns regarding Texaco Convenience Store at Five Forks. He requested a review and redesign of the entrance on Ironbound Road to allow additional green space.

Mr. Sisk declared a deferral of Case No. SUP-25-96 until the December 20, 1996, Board of Supervisors meeting.

4. James City County FY 1998-2003 Six-Year Secondary Road Construction Plan

Mr. John T. P. Horne, Manager of Development Management, stated that staff presented the 1998 Secondary Roads Six-Year Plan in Section I - projects of traditional widening and straightening of two-lane roads which have been considered for several years, and Section II - projects of road improvements initiating implementation of recommendations for intersection improvements, bikeways, four-lane improvements and new construction.

The Planning Commission recommended approval of the Six-Year Secondary Road Construction Plan with deletion of the Outer Bypass Road project.

Staff recommended approval of the FY 1998 Six-Year Secondary Road Plan, Section I and Secondary System Construction Program, as presented.

Discussion by Board, staff and VDOT officials followed regarding traffic volumes and impact of new road construction.

Mr. Sisk opened the public hearing.

1. Mr. Gary Massie, 8644 Merry Oaks Lane, Toano, strongly supported the Outer Bypass Road and requested the Board to fully support the project.

Mr. Sisk closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

RESOLUTION

FY 1998-2003 SECONDARY ROADS SIX-YEAR PLAN

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed Secondary Roads Construction priorities proposed by the Virginia Department of Transportation (VDOT).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY 1998 -2003 Secondary Roads Priority List and Plan and authorizes the County Administrator to approve VDOT budgets consistent with the approved Plan.

5. Ordinance Amendment, Chapter 6, Fire Protection, Article I, Sections 6-3 and 6-3.1, Renumber Code Sections, Open Burning, and Amend Article II, Section 6-4, Smoke Detectors and Section 6-5, Owner's Responsibility in Residential Buildings

Mr. Richard M. Miller, Fire Chief, stated that the proposed ordinance amended the County Code by updating references to the BOCA National Fire Prevention Code and the Virginia Statewide Fire Prevention Code, and by renumbering certain sections.

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

Mr. Sisk made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

6. Ordinance Amendment, Chapter 18, Taxation, Amend Article II, Exemption of Certain Persons from Real Estate Taxes, Amend Sections 18-10 through 18-12, Increase Tax Exemption for Certain Persons Over 65 or Who Are Totally Disabled

Mr. Leo P. Rogers, Deputy County Attorney, stated that the proposed ordinance would increase the income and net worth ceilings to be eligible for the County's tax exemptions available to persons age 65 or older or who are totally disabled.

Staff recommended approval of the ordinance.

Mr. Sisk opened the public hearing.

1. Mr. Frank Chipman, 3 Guest House Court, thanked the Board and staff for their efforts in updating the tax exemption.

Mr. Sisk closed the public hearing.

Mr. Sisk asked staff to include the tax exemption ordinance information in the FYI newsletter.

Mr. Taylor made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

7. Authorize Sale of Triangular Piece of Land, Intersection of Magazine Road and Route 615 to Virginia Department of Transportation

Mr. Leo P. Rogers, Deputy County Attorney, stated that authorization for the County Administrator to execute a deed transferring approximately 475 square feet of County's property at the intersection of Route 615 (Ironbound Road) and Magazine Road to the Virginia Department of Transportation for widening of Route 615.

Staff recommended approval of the resolution.

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

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

RESOLUTION

DEED TO CONVEY RIGHT-OF-WAY TO VDOT

WHEREAS, the Virginia Department of Transportation ("VDOT") requires a certain triangular parcel of land from the County at the intersection of Route 615 (Ironbound Road) and Magazine Road; and

WHEREAS, VDOT has offered to pay \$285.00 to the County to acquire a strip of land along the front of the County Property designated as Parcel No. (39-1) on Tax Map No. (1-64); and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should convey such property to VDOT for the agreed upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the above-referenced property to the Commonwealth of Virginia in exchange for \$285.00.

G. BOARD CONSIDERATIONS

1. Household Chemical Collection Service Agreement with Virginia Peninsulas Public Service Authority

Mr. Wanner stated that a service agreement with Virginia Peninsulas Public Service Authority providing for collection of household chemicals had been developed. He further stated that each participating locality must execute the service agreement for provision of that service.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

RESOLUTION

HOUSEHOLD CHEMICAL COLLECTION SERVICE AGREEMENT

- WHEREAS, funds are appropriated in the FY 1997 Solid Waste Operating Budget to begin a Household Chemical Collection Program; and
- WHEREAS, requests for proposals were issued by the Virginia Peninsulas Public Service Authority (VPPSA), responses evaluated and the lowest proposal meeting the critical specifications and being in the best interest of the jurisdictions in VPPSA was determined; and
- WHEREAS, to participate in the VPPSA program, a Household Chemical Collection Service Agreement needs to be executed between James City County and the Virginia Peninsulas Public Service Authority.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into an agreement with the Virginia Peninsulas Public Service Authority for the provision of household chemical collection to County residents.

2. Transfer of Cable Television Franchise to Cox Communications, Inc.

Mr. Rogers stated that County Code required approval of the Board of Supervisors of the transfer of ownership of control of a cable television franchise. He further stated that the current franchise holder, Continental Cablevision, Inc., had proposed a transfer of the County franchise to Cox Communications, Inc.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

RESOLUTION

TRANSFER OF CABLE TELEVISION FRANCHISE

TO COX COMMUNICATIONS, INC.

- WHEREAS, Continental Cablevision of Virginia, Inc., ("Continental") is the duly authorized holder of a Franchise (as amended to date, the "Franchise") authorizing the operation and maintenance of a cable television system serving residents of the County; and
- WHEREAS, Continental, through its parent company, has entered into an asset exchange agreement with Cox Communications, Inc., the Franchise would be transferred to a wholly owned subsidiary of Cox Communications, Inc., known as CoxCom, Inc., ("Cox"); and

WHEREAS, Cox has assured the County of its commitment to provide high quality cable service at reasonable rates and to continue Continental's commitments to provide the County with a usable fiber optic network.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County consents to the transfer of the cable television franchise from Continental Cablevision of Virginia, Inc., to CoxCom, Inc.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced a work session on December 18, 1996, at 4:00 p.m. on 1996 Comprehensive Plan. He stated that the December 23, 1996, Board of Supervisors meeting had been canceled and a Board of Supervisors meeting would be held at 4:00 p.m. on Friday, December 20, 1996, in the Board Room, Building C, County Government Center.

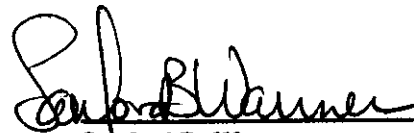
J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor stated he had received a telephone call from a concerned resident and asked that the County police monitor the discharging of firearms in the Hunter's Creek area for the next 30 days.

Mr. Sisk made a motion to recess until 4:00 p.m., Wednesday, December 18, 1996, for a work session.

On a roll call, the vote was: AYE: Taylor, Magoon, Edwards, Sisk (4). NAY: (0).

The Board recessed at 10:52 p.m.


Sanford B. Wanner
Clerk to the Board

DEC 10 1996

ORDINANCE NO. 31A-173BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 20-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; IN ORDER TO ALLOW STORAGE WITHIN A FULLY ENCLOSED BUILDING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-369, Uses permitted by special use permit only; in order to allow storage within a fully enclosed building.

Chapter 20. Zoning

Article V. Districts

Division 9. Limited Business District, LB

Sec. 20-369. Uses permitted by special use permit only.

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

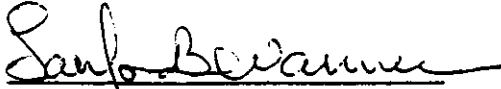
Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2



David L. Sisk
Chairman, Board of Supervisors

ATTEST:



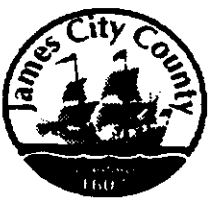
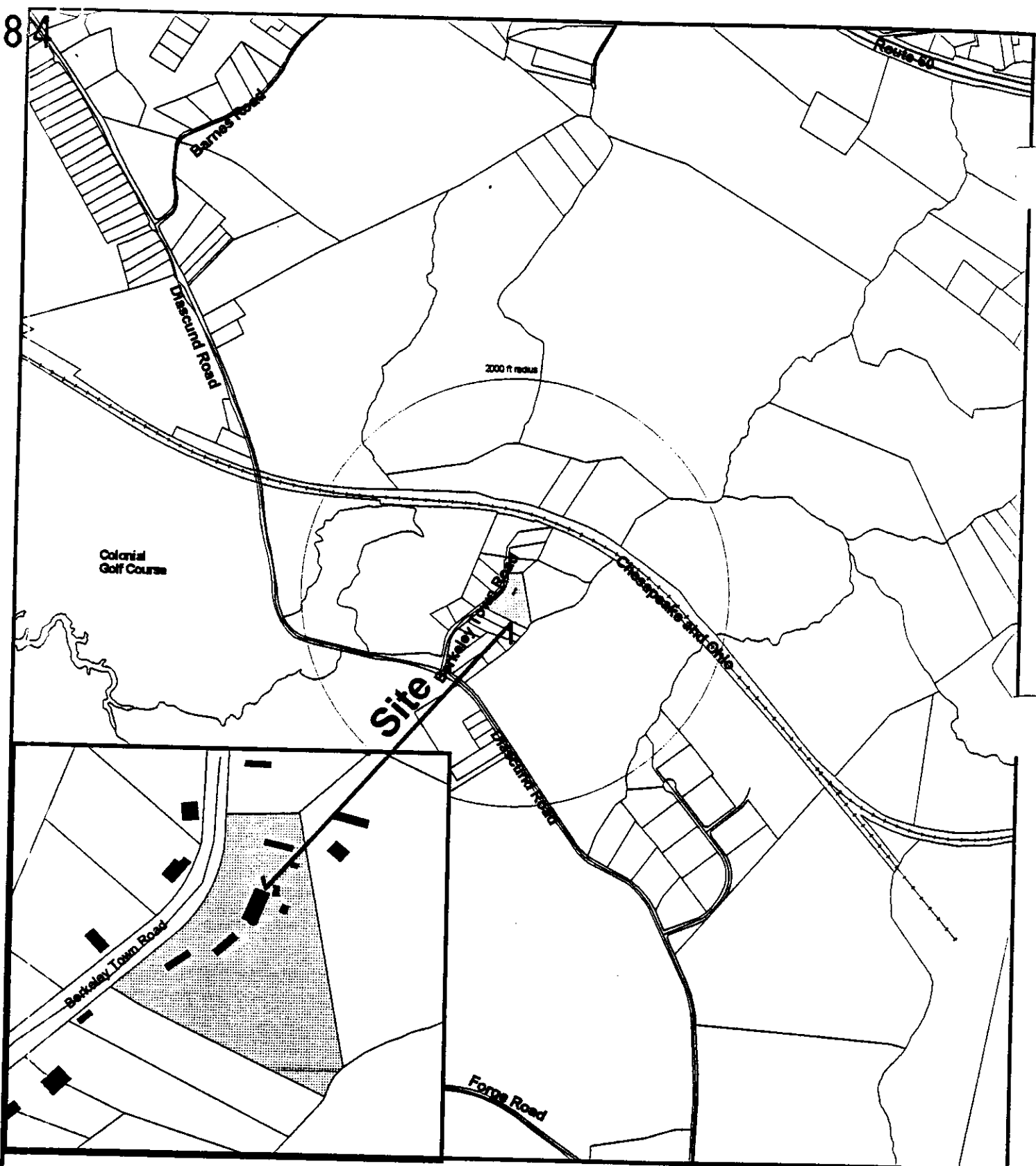
Sanford B. Wanner
Clerk to the Board

SUPERVISOR VOTE

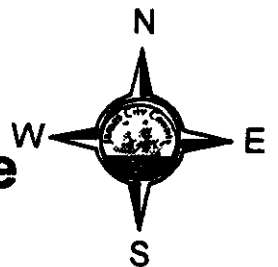
TAYLOR	AYE
MAGOON	AYE
DEPUE	AYE
EDWARDS	NAY
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of December, 1996.

LimtdBus.ord



SUP-30-96 Helen Randall Replacement Manufactured Home



Exempted from recordation taxes
and fees under Sections 58.1-811(A) (3),
58.1-811(C) (4), 58.1-3315 and 25-249.

This Deed, Made this 10th day of *December*, 1996, by and between JAMES CITY COUNTY, hereinafter designated as Grantor (even though more than one), and the COMMONWEALTH OF VIRGINIA, Grantee:

WITNESSETH: In consideration of the sum of \$285.00 paid by the grantee to the grantor, receipt of which is hereby acknowledged, the said grantor hereby grants and conveys unto said grantee in fee simple, with general warranty, the land located in Berkeley Magisterial District, in James city County, and described as follows:

Parcel 001- Being as shown on Sheet 3 of the plans for Route 615 State Highway Project 0615-047-158,C-501, Ironbound Road beginning on the southeast (right) side of survey and construction centerline from the lands now or formerly belonging to Eddie Givens opposite approximate Station 206+45 to a point in the existing south right of way line of present Magazine Road opposite approximate Station 206+62, and containing 0.010 acre more or less land, and being a part of the sam land acquired by the grantor from Lynwood Jefferson and Louise Parker Jefferson by Deed dated May 20, 1980 and recorded in Deed Book 206, Page 558, in the office of the Clerk of the Circuit Court of James City County.

For a more particular description of the land herein conveyed, reference is made to photocopy of Sheet Number 3, showing outlined in RED the land conveyed in fee simple, which photocopy is hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book _____, Page _____.

4846

The grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

The said grantor covenants that it is seized of the land in fee simple herein conveyed; that it has the right to convey the said land to the grantee; that it has done no act to encumber the said land; that the grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

The said grantor covenants and agrees for itself, its successors and assigns, that the consideration hereinabove mentioned and paid to it shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the grantor which may result by reason of the use to which the grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

WITNESS the following signature and seal:

Sanford B. Wanner

By Sanford B. Wanner

Title County Administrator

STATE OF VIRGINIA
JAMES CITY COUNTY

The foregoing instrument was acknowledged before me this 10th day of December, 1996, by SANFORD B. WANNER,
(Name of officer or agent)

County Administrator of James City County a
(Title of officer or agent) (Name of Corporation)

Virginia corporation, on behalf of the corporation.
(State or place of incorporation)

My Commission expires October 31, 1997

Mary Frances Rieger
Notary Public

SECONDARY SYSTEM

COUNTY: JAMES CITY

CONSTRUCTION PROGRAM

ESTIMATED ALLOCATIONS

YEAR	NEW S. T.	FEDERAL	OTHER	TOTAL
1997-98	\$17,168	\$159,588	\$1,051,718	\$1,228,474
1998-99	\$17,408	\$531,570	\$895,280	\$1,244,258
1999-00	\$18,224	\$870,740	\$806,229	\$1,295,193
2000-01	\$19,261	\$727,585	\$813,000	\$1,359,846
2001-02	\$20,350	\$668,932	\$738,000	\$1,427,282
2002-03	\$20,350	\$218,932	\$1,188,000	\$1,427,282
TOTALS	\$112,761	\$3,177,347	\$4,892,227	\$7,982,335

APPROVAL
 BOARD OF SUPERVISORS DATE 12/10/96
 [Signature] 12/10/96
 VPOT RESIDENT ENGINEER DATE 12/10/96
 [Signature] 12/10/96
 (CHAIRMAN, CLERK, CO. ADMINISTRATOR, ETC.) DATE

DATE: 12/26/1996 BOARD APPROVAL: 12/19/1996
 DISTRICT: SUFFOLK
 COUNTY: TAMM CITY

ROUTE	DESCRIPTION	ESTIMATED COST	PREVIOUS FUNDING	ADDITIONAL FUNDING REQUIRED	PROJECTED FISCAL YEAR	ALLOCATIONS		BALANCE TO COMPLETE	COMMENTS
						1997-98	2002-02		
ROUTE: 6616	CHERRYVILLE RD	P.E. 40,000	0	0	0	0	0	0	0
TC: 3860	0616-047-132,MS97	R/M 120,000	120,000	0	0	0	0	0	0
ID: 14620	FRI RT 613 HWAY RD	CON 250,000	175,000	75,000	0	0	0	0	0
CONTRACT	POINT 613 BRICK BAY	TOT 410,000	325,000	75,000	0	0	0	0	0
STATE	LENGTH: 0.4 M	RD 03 1990							
(4)	RECONSTR. & WIDEN	RD 00 1990							0
ROUTE: 6617	LAKE POWELL	P.E. 100,000	20,000	80,000	0	0	0	0	0
TC: 1972	0617-047-181,MS01	R/M 200,000	0	200,000	0	0	0	0	0
ID: 12237	FRI RT 789	CON 500,000	0	500,000	0	0	0	0	0
CONTRACT	TOT RT. 610	TOT 000,000	20,000	780,000	0	0	0	0	0
STATE	LENGTH: 0.90 MI.	RD 07 2000							
(5)	RECONSTRUCT & ST	RD 07 2001							0
ROUTE: 6603	MOORETONS RD	P.E. 50,000	50,000	0	0	0	0	0	0
TC: 1200	0603-049-173,MS01	R/M 510,000	510,000	0	0	0	0	0	0
ID: 13066	FRI 0.21 MI RT 1447	CON 300,000	257,500	114,500	0	0	0	0	0
CONTRACT	TOT. 0.36 MI RT 646	TOT 951,000	856,500	114,500	0	0	0	0	0
STATE	LENGTH: 0.76	RD 10 1995							
(6)	RECONSTR. WIDEN & PM	RD 06 1997							0
ROUTE: 6607	CHOKER ROAD	P.E. 70,000	20,000	50,000	0	0	0	0	0
TC: 1267	0607-047-113,CS02	R/M 175,000	0	175,000	0	0	0	0	0
ID: 3089	FRI RT. 1501	CON 700,000	0	700,000	0	0	0	0	0
CONTRACT	TOT. RT. 603	TOT 950,000	20,000	925,000	0	0	0	0	0
STATE	LENGTH: 1.70 MI.	RD 07 2001							
(7)	RECONSTRUCT & PM	RD 06 2002							0
ROUTE: 6612	LOWMILL RD	P.E. 200,000	0	200,000	0	0	0	0	0
TC: 3910	0612-047- .C	R/M 1,500,000	0	1,500,000	0	0	0	0	0
ID: 13710	FRI RT 614	CON 3,000,000	0	3,000,000	0	0	0	0	0
CONTRACT	TOT. RT 322	TOT 5,000,000	0	5,000,000	0	0	0	0	0
STATE	LENGTH: 3.53	RD 07 2003							
(8)	4 LANE WIDENING	RD 07 2004							0
ROUTE: 6618	THORNWOOD ROAD	P.E. 150,000	0	150,000	0	0	0	0	0
TC: 17531	0618-047- .C	R/M 500,000	0	500,000	0	0	0	0	0
ID: 17531	FRIMING CITY LIMITS	CON 1,500,000	0	1,500,000	0	0	0	0	0
CONTRACT	TOT. RT 321	TOT 2,150,000	0	2,150,000	0	0	0	0	0
STATE	LENGTH: 0.76	RD 07 2000							
(9)	4 LANE	RD 07 2001							0
ROUTE: 6613	LOWMILL RD	P.E. 40,000	40,000	0	0	0	0	0	0
TC: 3910	0613-047-137,CS01	R/M 40,000	40,000	0	0	0	0	0	0
ID: 13710	FRI RT 610	CON 120,000	0	120,000	0	0	0	0	0
CONTRACT	POINT 610	TOT 200,000	40,000	160,000	0	0	0	0	0
STATE	LENGTH: 0.86	RD 07 2000							
(10)	CONSTR. SIDEWAYS	RD 01 2001							0

SECONDARY SYSTEMS
CONSTRUCTION PROGRAM
(in Dollars)

Date: 11/26/1996 BOARD APPROVAL: 12/10/1996

DISTRICT: SEWFOLE

COUNTY: JAMES CITY

1997-98 thru 2002-03

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	PREVIOUS FUNDING	ADDITIONAL FUNDING REQUIRED	1997-98	1998-99	1999-00	YEAR ALLOCATIONS			BALANCE TO COMPLETE	COMMENTS
								2000-01	2001-02	2002-03		
(11) ROUTE: 667 DUTCH BEFAS P.E. TC: 588 8607-647-0 C N/M 150,000 ID: 13717 PA18T 607 & 66 INTR. COM 3,000,000 CONTRACT TO: RTE 616 TOT 4,050,000 STATE LENGTH: 2.96 MI. RAD 87 2006 (11) HIGH ALIGNMENT BCD 67 2006												
ROUTE: 612 IRONWOOD RD P.E. TC: 13075 8618-647-154,MS61 N/M 40,000 ID: 13721 FINNING CITY LIMITS COM 120,000 CONTRACT TO: RTE 616 TOT 160,000 STATE LENGTH: 1.08 N RAD 67 1998 (12) COMETS. BIKEWAY BCD 61 1999												
ROUTE: 613 HENS ROAD P.E. TC: 1414 8613-647-133,MS61 N/M 295,000 ID: 1719 PA1 RT. 615 COM 510,000 CONTRACT TO: 3.0 MI W RT 615 TOT 945,000 STATE LENGTH: 1.0 MI. RAD 12 1996 (13) RECONSTRUCT & PA BCD 67 1997												
ROUTE: 614 STEAMERY PLAINS RD P.E. TC: 14738 8616-647-155,MS61 N/M 50,000 ID: 13722 PA10.5 MS RTE 615 COM 85,000 CONTRACT TO: 0.8 MS RTE 615 TOT 170,000 STATE LENGTH: 0.3 N RAD 66 1997 (14) COMETS. LEFT TURN LN BCD 12 1997												
ROUTE: 623 BACHFIELD ROAD P.E. TC: 364 8623-647-746,MS61 N/M 0 ID: 13266 PA10.72 KM W RT 1048 COM 400,000 CONTRACT TO: ROUTE 1048 TOT 435,000 STATE LENGTH: 0.72 KM RAD 66 2006 (0) GR. DR. STAB & ST BCD 12 2007												

SECONDARY SYSTEM

COUNTY JAMES CITY
RESIDENCY WILLIAMSBURG
DISTRICT SUFFOLK

CONSTRUCTION PROGRAM
(In Dollars)

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	COMMENTS
ROUTE 0614	CENTERVILLE ROAD		
TC:	3075	60,000	\$435,110 FINANCED BY
ID:	4177	767,000	REVENUE SHARING FUNDS FY 1991-
CONTRACT	TO: RT. 612	809,929	92.
STP	LENGTH: 1.37 MI.	1,636,929	PROJECT COMPLETE
(2)	RECONSTRUCT & PM	EAD 09 1996	INCLUDES 4' BIKEWAYS
		ECD 09 1996	
ROUTE 0614	CENTERVILLE ROAD		
TC:	1675	45,000	\$535,500 FINANCED BY REVENUE
ID:	4180	695,000	SHARING FUNDS FY 1992-93
CONTRACT	TO: RT. 613	1,029,953	
STP	LENGTH: 1.67 MI.	1,769,953	PROJECT COMPLETE
(3)	RECONSTRUCT & PM	EAD 11 1996	INCLUDES 4' BIKEWAYS
		ECD 12 1997	
ROUTE 8000	NEW ADDITION		
	0000-5603		
FR:		528,000	
TO:		528,000	
LENGTH:			
(0)			
ROUTE 5300	MOMENT DRIVE		
BI 5300			
FR: RTE. 643		56,000	ELIMINATE CUL-DE-SAC DRAINAGE
TO: CUL-DE-SAC		56,000	PROBLEM.
LENGTH: 0.25 MI.			
(0)	DRAINAGE REPAIR		
ROUTE 0613	IRONBOUND RD.		
TC:	1550	28,000	\$3,500 REVENUE SHARING 93-94
ID:	15293	35,000	FUNDING UNDER BI 5301. 50% OF
CONTRACT	TO: 0.1 MI RTE 747	380,500	PROJ IS IN CITY OF WBRG.
STATE	LENGTH: 0.2 MI	443,500	URBAN PROJ. U800-137-105, CH01
(1)	CONSTR. LEFT TRM LMS	EAD 12 1996	150,000 M-24 ON 04/06/95
		ECD 07 1997	
ROUTE 0610	FORGE ROAD		
TC:	2748	180,000	\$300,000 FINANCED BY REVENUE
ID:	10039	820,000	SHARING FUNDS FY 1992-93
CONTRACT	TO: RT. 603	950,000	
STATE	LENGTH: 2.41 MI.	1,958,000	INCLUDE 5' BIKELANE
(2)	RECONSTRUCT & PM	EAD 01 1997	
		ECD 06 1998	
ROUTE 0610	FORGE ROAD		
TC:	2748	150,000	\$164,500 FINANCED BY REVENUE
ID:	1802	375,000	SHARING FUNDS FY 93-94
CONTRACT	TO: ROUTE 603	560,000	
STATE	LENGTH: 1.11 MI.	1,005,000	INCLUDES 5' BIKELANE
(3)	RECONSTRUCT & PM	EAD 05 1997	
		ECD 11 1997	

SECONDARY SYSTEM

COUNTY JAMES CITY
RESIDENCY WILLIAMSBURG
DISTRICT SUFFOLK

CONSTRUCTION PROGRAM
(in Dollars)

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	COMMENTS
ROUTE 0614	CENTERVILLE RD P.E. 40,000 \$170,000 TO BE FINANCED BY		
TC: 3986	0614-047-132,M507 R/W 120,000 REVENUE SHARING FUNDS FY 94-95		
ID: 14628	FR: RT. 613 NEWS RD COM 250,000 THIS SECTION WILL COMPLETE THE		
CONTRACT	TO: RT 613 BRICK BAY TOT 410,000 RECOMET. & WIDENING OF RT 614		
STP	LENGTH: 0.4 M EAD 03 1998 REV SHAR. 1995-96 \$28,320.00		
(4)	RECOMSTR. & WIDEN ECD 08 1998 ADD 4' BIKELANE & SIDEWALK		
ROUTE 0617	LAKE POWELL P.E. 100,000 PROVIDE PREL. PLANS TO COUNTY		
TC: 1872	0617-047-151,M501 R/W 200,000 FOR REVIEW PRIOR TO DETAIL		
ID: 12237	FR: RT. 789 COM 500,000 DESIGN		
CONTRACT	TO: RT. 618 TOT 800,000 INCLUDE 5' BIKELANE		
STATE	LENGTH: 0.90 MI. EAD 07 2000		
(5)	RECONSTRUCT & ST ECD 07 2001		
ROUTE 0603	MOORETOWN RD P.E. 55,000 \$393,000 TO BE FINANCED BY		
TC: 1288	0603-099-173,M501 R/W 514,000 REVENUE SHARING FUNDS FY 93-94		
ID: 13586	FR: 0.21 MI RTE 1447 COM 302,000 INCLUDE SIDEWALK & 4' BIKELANE		
CONTRACT	TO: 0.36 MI RTE 646 TOT 951,000 ROAD ON COUNTY LINE.		
STATE	LENGTH: 0.76 EAD 10 1996 \$284,000 TO BE FINANCED WITH		
(6)	RECOMET., WIDEN & PM ECD 06 1997 YORK CO. 61R FUNDS		
ROUTE 0607	CROCKER ROAD P.E. 75,000		
TC: 1267	0607-047-113,CS02 R/W 175,000		
ID: 3089	FR: RT. 1601 COM 700,000		
CONTRACT	TO: RT. 605 TOT 950,000		
STATE	LENGTH: 1.73 MI. EAD 07 2001		
(7)	RECONSTRUCT & PM ECD 06 2002		
ROUTE 0612	LONGHILL RD P.E. 200,000 PROJECT SHOULD BE COORDINATED		
TC: 9010	0612-047- ,C R/W 1,500,000 WITH THE ULTIMATE RTE 199		
ID: 13718	FR: RTE 614 COM 3,000,000 PROJECT.		
CONTRACT	TO: RTE 322 TOT 5,500,000		
STP	LENGTH: 3.53 EAD 07 2003		
(8)	4 LANE WIDENING ECD 07 2004		
ROUTE 0615	IRONBOUND ROAD P.E. 150,000		
TC: 17513	0615-047- ,C R/W 500,000		
ID:	FR: WINDING CITY LIMITS COM 1,500,000		
CONTRACT	TO: ROUTE 321 TOT 2,150,000		
STATE	LENGTH: 0.76 EAD 07 2000		
(9)	4 LANE ECD 07 2001		
ROUTE 0612	LONGHILL RD P.E. 40,000 ALIGNMENT TO BE COORDINATED		
TC: 9010	0612-047-157,CS01 R/W 40,000 WITH THE 4 LANEING OF RTE 612		
ID: 13719	FR: RTE 650 COM 120,000		
CONTRACT	TO: RTE 615 TOT 200,000 CSQA MONEY USED 20% MATCH		
STP	LENGTH: 0.86 EAD 07 2000		
(10)	CONSTR. BIKEWAYS ECD 01 2001		

SECONDARY SYSTEM

COUNTY JAMES CITY
 RESIDENCY WILLIAMSBURG
 DISTRICT SUFFOLK

CONSTRUCTION PROGRAM
 (In Dollars)

Page: 3

ROUTE	DESCRIPTION LENGTH	ESTIMATED COST	COMMENTS
ROUTE 0607	OUTER BYPASS	P. E. 150,000	
TC: 5000	0607-047- C	R/W 300,000	
ID: 13717	FR: RT 607 & 60 INTR.	COM 3,000,000	
CONTRACT	TO: RTE 614	TOT 4,050,000	
STATE	LENGTH: 2.90 MI.	EAD 07 2086	
(11)	NEW ALIGNMENT	EAD 07 2008	
ROUTE 0615	KROSBOW RD	P. E. 20,000	CMAQ FUNDS TO BE USED ON THIS
TC: 13875	0615-047-154,MS01	R/W 40,000	PROJECT.
ID: 13721	FR: WING CITY LIMITS	COM 120,000	\$120,000 FY 94-95 EV. SHARING
CONTRACT	TO: RTE 616	TOT 180,000	
STATE	LENGTH: 1.00 M	EAD 07 1998	
(12)	CONSTR. BIKEWAYS	BCD 01 1999	
ROUTE 0613	HEMS ROAD	P. E. 40,000	\$60,000 FY 94-95 REV. SHARING
TC: 1414	0613-047-133,MS01	R/W 205,000	293,000 FY 95-96 REV. SHARING
ID: 1719	FR: RT. 615	COM 610,000	200,000 FY 96-97 REV. SHARING
CONTRACT	TO: 1.0 MI W RT 615	TOT 945,000	40,000 M-24 ON 4/6/95
STATE	LENGTH: 1.0 MI.	EAD 12 1996	COORD. W/ RTE 199 PROJ. THE
(13)	RECONSTRUCT & PM	BCD 07 1997	ALT. TO RTE 5 & POM. SEC. DEV.
ROUTE 0616	STRAMBERY PLAINS RD	P. E. 35,000	\$82,500 TO BE FINANCED BY
TC: 14738	0616-047-155,MS01	R/W 50,000	REVENUE SHARING FY 93-94
ID: 13722	FR: 0.5 MS RTE 615	COM 85,000	PROJ. INCLUDES 5' BIKELANE
CONTRACT	TO: 0.6 MS RTE 615	TOT 170,000	
STATE	LENGTH: 0.3 M	EAD 06 1997	
(14)	CONSTR. LEFT TURN LN	BCD 12 1997	
ROUTE 0622	HANCFIELD ROAD	P. E. 15,000	UNPAVED ROAD FUNDS
TC: 364	0622-047-P46,MS01	R/W 0	LOOK AT 3R DESIGN
ID: 11264	FR: 0.72 KM W RT 1040	COM 400,000	
CONTRACT	TO: ROUTE 1040	TOT 415,000	
STATE	LENGTH: 0.72 KM	EAD 06 2006	
(0)	GR. DR. STAR & ST	BCD 12 2007	

DEC 10 1996

ORDINANCE NO. 9A-9BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, FIRE PROTECTION CODE, SECTION 6-3 AMENDMENTS; BY RENUMBERING AND AMENDING EXISTING SECTION 6-3.1, OPEN BURNING OF YARD WASTE; BY AMENDING ARTICLE II, SMOKE DETECTORS, BY RENUMBERING SECTION 6-4, DEFINITIONS; AND SECTION 6-5, OWNER'S RESPONSIBILITIES IN RESIDENTIAL BUILDINGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, is hereby amended and reordained by amending Section 6-3, Amendments; by renumbering and amending Section 6-4, Open burning of yard waste; by renumbering Section 6-7, Definitions; and Section 6-8, Owner's responsibilities in residential buildings.

Chapter 6. Fire Protection

Article I. Fire Prevention Code

Sec. 6-3. Amendments.

- (3) *Section ~~F-301-2: F403~~ 3., Allowable burning, is hereby amended to read:*

Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of yard waste, twigs or branches one inch or greater in diameter and household debris, except garbage, when conducted in accordance with this code; provided, however, pursuant to section 10.1-1142 of the Code of Virginia, that:

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 2

- (a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.
- (b) During the period beginning ~~March 1~~ *February 15* and ending ~~May 15~~ *May 1* of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in this county for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred feet of any woodland, brushland or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

The provisions of this subsection shall not apply to any fires which may be set on rights-of-way of railroad companies by their authorized employees.

- (c) Any person who builds a fire in the open air, or uses a fire built by another in the open air, within one hundred fifty feet of any woodland, brushland or field containing dry grass or other inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 3

- (d) Any person violating any of the provisions of subsections (a), (b) or (c) of this section shall be guilty of a Class 3 misdemeanor for each separate offense.

- (4) ~~Section F-301.7~~ ~~F-403.5~~, *Location requirements*, is hereby amended to read:

The location for any open burning shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Fires in approved containers shall be permitted; provided, that such fires are not less than 15 feet from any structure.

Exception: The location of any open burning conducted for the disposal for land clearing refuse which has been permitted ~~through in accordance with regulations concerning open burning issued by the~~ Virginia Department of Environmental Quality shall not be less than 500 feet from an occupied dwelling.

- (5) ~~Section F-302.7 + F-403.7.1~~, *Open burning prohibited-Construction sites*, is hereby added:

Open burning of construction waste, demolition waste, refuse or any other type of waste is prohibited when located at a construction or demolition site. The removal of such waste from a construction or demolition site and the subsequent burning of the same at another location in James City County is also prohibited.

Exception: Approved open burning for the disposal of land clearing refuse shall be allowed on construction sites when conducted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality and this Code.

- (6) *Section ~~F-301.8~~ F-403.8, Open burning stipulations, is hereby amended to read:*

Notwithstanding any other provision of this article, open burning shall not be used for waste disposal purposes. the quantity, of material to be burned shall not exceed five feet in any dimension, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

Exception: Approved burning for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

- (7) *Section ~~F-2700.2~~ F-3101.2, Permit required, is hereby amended to read:*

A permit shall be obtained from the county administrator for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any administrator, organization or group of individuals to the county, a permit may be issued for the display of fireworks; provided, that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall be made at least fifteen days in advance of the date of display or discharge of the fireworks and shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. The permittee shall furnish a bond in the amount required by section ~~F-2701.2~~ F-3103.4 of the Virginia Statewide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the county administrator to any organization or association or group of individuals unless the county administrator is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit, inspect the scene for its appropriateness for the display of fireworks and make a recommendation to the county administrator. The county

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 5

administrator or an authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section and the display shall thereupon be immediately stopped.

In order to cover administrative and inspection costs, the applicant shall pay, prior to issuance of the permit, a fee of fifty dollars per event or one hundred dollars for an annual permit to hold multiple events, during a calendar year, in the same location with similar fireworks, projectiles, launchers and height limits.

- (8) *Section ~~201-0 F-3102.1~~, General definition, is hereby amended to read:*

"Fireworks" shall mean and include any item known as a firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance and is intended or commonly known as fireworks and which explodes, rises into the air, or travels laterally, or fires projectiles into the air. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.

Sec. ~~6-3-1: 6-4~~ Open burning of yard waste.

The fire prevention code is hereby amended, modified and changed as set out in the following subsection of this section:

- (1) *Section ~~F-301.2 + F-403.3.1~~, Burning yard waste, is hereby added.*

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 6

- (a) Notwithstanding any other provision of this Code, open burning of yard waste by any person shall be unlawful within the county except in those areas zoned A-1, General Agriculture; provided, however, even within A- 1 acres, yard waste shall not be burned in platted subdivisions consisting of five or more lots of which at least three lots have occupied dwellings or in manufactured home parks. In those areas where the open burning of yard waste is otherwise permitted, it shall be unlawful for any person to burn yard waste during the period beginning ~~March 1~~ ~~February 15~~ and ending ~~May 15~~ ~~May 1~~ of each year, except between the hours of 4:00 p.m. and 12:00 midnight.
- (b) Open burning of yard waste performed in an area permitted in paragraph (a) shall comply with any applicable provisions of state law and this article.
- (c) Notwithstanding paragraphs (a) and (b), open burning of yard waste shall be allowed for farming activities and pursuant to a permit for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

Sec. 6-4 ~~5-6-6~~ Reserved.

ARTICLE II. SMOKE DETECTORS

Sec. ~~6-4~~ 6-7. Definitions.

As used in this article, the following words and terms shall have the meanings respectively ascribed:

Dwelling unit shall mean any single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Owner shall mean the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendor in possession, assignee of rents, receiver, executor, trustee, or other person, firm or corporation in control of a building.

Smoke detectors shall mean any mechanical device powered by batteries or alternating current, capable of sensing visible or invisible particles of combustion and capable of sounding an audible alarm.

Sec. ~~6-5~~ 6-8. Owner's responsibilities in residential buildings.

- (a) The owner shall install smoke detectors in the following structures or buildings:
 - (1) Any building containing one (1) or more dwelling units:

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 8

- (2) Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one (1) or more persons; and
- (3) Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Smoke detectors may be either battery operated or AC-powered units.

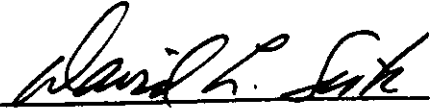
(b) The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. A copy of all such certificates shall be available for inspection by the county building inspector, or his duly authorized representative.

(c) Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detectors within five (5) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair or replacement.

(d) Any building containing fewer than four (4) dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements of this section until such time as that building or any dwelling unit therein is sold or rented to another person.

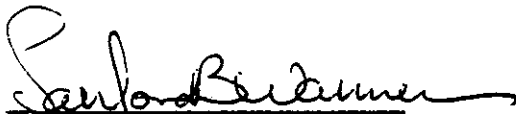
Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 9

Sec. 6-9-6-10: Reserved.



David L. Sisk, Chairman
Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of December, 1996.

DEC 10 1996

ORDINANCE NO. 107A-19

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 18-10, QUALIFICATIONS FOR EXEMPTION; SECTION 18-11, AMOUNT OF EXEMPTION; AND SECTION 18-12, APPLICATION.

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 amending Section 18-10, Qualifications for exemption; Section 18-11, Amount of exemption; and Section 18-12, Application.

Chapter 18. Taxation

Article II. Exemption of Certain Persons

From Real Estate Taxes

Sec. 18-10. Qualifications for exemption.

Such exemption may be granted for any year following date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently sited mobile or manufactured homes, as defined in Section 36-85.3 Code of Virginia, 1950, and owning title or partial title thereto, ~~becomes permanently and totally disabled or~~ reaches the age of ~~sixty-five (65)~~ and in addition:

- (a) The total combined income during the immediately preceding calender year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~eighteen thousand five hundred dollars (\$18,500.00)~~ \$22,500.00; provided, that the

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first four thousand dollars (~~\$4,000.00~~) ~~\$6,500.00~~ of income of each relative, other than spouse, or the owner or owners who is living in the dwelling shall not be included in such total: *and*

- (b) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated does not exceed ~~fifty thousand dollars (\$50,000.00)~~ ~~\$75,000.00~~.

State law reference: Va. Code Section 58.1-3210 et. seq.

Sec. 18-11. Amount of exemption.

Any person or persons qualifying under Section 18-10 shall be exempt from real estate taxes; provided, however, that no such exemption shall exceed four hundred dollars (~~\$400.00~~); *in an amount not to exceed the annual real estate tax rate multiplied by the first \$65,000.00 of assessed real estate value.*

Sec. 18-12. Application.

Any person or persons claiming such exemption shall file annually with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit setting forth the names of the related persons occupying such real estate; provided, that the total combined net worth, including equitable interests and the combined income from all sources, of the person or persons as specified in Section 18-10 does not exceed the limits prescribed in this article.

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If such person is under ~~sixty-five (65)~~ years of age, such form shall have attached thereto a certification by the ~~Veterans Administration Social Security Administration, the Department of Veterans Affairs,~~ or Railroad Retirement Board, or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth ~~or are military officers on active duty who practice medicine with the United States Armed Forces,~~ to the effect that such person is permanently and totally disabled, as defined in Section 18-9, and that at least one of the medical doctors has physically examined the applicant.

Such affidavit shall be filed on or after the first day of January, but not later than the first day of May of each year in which an exemption is sought except that the commissioner of ~~the~~ revenue is authorized to accept affidavits until the first day of June for first-time applicants or in the case of hardships.

The commissioner of ~~the~~ revenue shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefor as specified in this article. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then-current taxable year and the taxable year immediately following. A qualified applicant shall not be deemed to have violated any limitation or condition if said applicant ~~sells the property in question for its fair market value, dies during the tax year or~~ is confined to a nursing home or hospital and the property is not used by or leased to others for consideration.

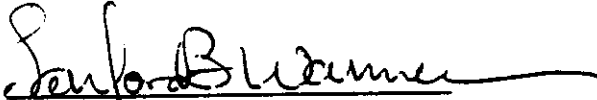
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State law reference-Similar provisions, Code of Va., § 58.1-3213.



David L. Sisk
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
December, 1996.

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