

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JUNE, 1998, AT 7:02 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  
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Ronald A. Nervitt, Powhatan District  
M. Anderson Bradshaw, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

To honor June 14, 1998, Flag Day, the Board, staff, and audience stood and recited the Pledge of Allegiance.

C. PUBLIC COMMENT

- 1. Mr. James Whitman, 105 Meadowrue Court, spoke in favor of a properly selected, continuing airport committee.
- 2. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to the closing of the Grove Convenience Center because the distance to the closest convenience center created more traffic on already congested roads, and dumping or burning of trash would once again become a problem.

Mr. Sanford Wanner, County Administrator, responded that the Grove Convenience Center was closed because of lack of usage and cost of operation.

D. PRESENTATIONS

1. Employee and Volunteer Outstanding Service Awards

Upon recommendation of the Recognition Review Committee, Mr. Edwards presented plaques to the following: Volunteers - Janis Brelsford, Chris Courson, Judy Dresser, Katherine Ford, Deborah Hamlin, Lianne Koch, and Bob Artis, in absentia; Employees and Volunteers - John Robins, Howard Anby, Ronald Broady, John Haislip, Eric Robins, and Jason Robins; Employees - Doris Heath, George Adams, Thomasine Kashin, Tina Paris, Buster Canaday, Carole Martin, Dave Daigneault, Vince Ferrera, Wayne Bartlett, Mike Gentry, Jill Schmidle, Barbara Watson, and Rona Vrooman; Recreation Employee Angie Sims and Arlana Fauntleroy, Jayne Himes, Regina King, Nila McNeely, Dee Rubino and Richard Wright, in absentia; Employee, William Bauernschmidt; Employee Karen S. Gaus; and Employees Orlando Caraballo and Keith McKinney, in absentia.

2. New Home Ownership Opportunities, Richard Hanson

Mr. Richard B. Hanson, Housing and Community Development Administrator, presented slides of rehabilitated or new affordable home opportunities for low- and moderate-income County residents, and spoke of successes of working with both public and private sectors. He stated that Governor James Gilmore had announced this date that a \$100,000 grant would be given to James City County for the establishment of a pilot Individual Development Accounts program in which eligible low-income persons would deposit funds in a dedicated savings account for housing down payment, business start-up, or education, with a match from the Community Development Block Grant funds.

3. Historic Triangle Community Planning Partnership Proposal, Stan Brown

Mr. Stan Brown stated that several citizens who served on the Regional Growth Commission proposed a Historic Triangle Community Planning Partnership represented by residents, builders, developers, environmentalists, and interested others, to also include an elected official and Planning Commission member. He stated the advisory partnership would conduct public meetings, direct high quality research, issue reports, and make recommendations.

Mr. Sisk asked whether the partnership would replace the Regional Growth Commission, and whether other organizations had responded.

Mr. McGlennon asked the projected time frame for the partnership, and what resources would be needed.

Mr. Brown responded that the Commission would be merged with the partnership, other organizations would respond after elected officials endorse, a \$35,000 budget for the first year had been prepared, and the partnership would continue indefinitely as growth continued. The Board took the matter under consideration.

E. **CONSENT CALENDAR**

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

Mr. Sisk made a motion to approve the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Approval of Minutes for Regular Meetings, May 12, 1998, and May 26, 1998

2. Designation of the Colonial Services Board as an Operating Board

**RESOLUTION**

**DESIGNATION OF THE COLONIAL SERVICES BOARD**

**AS AN OPERATING BOARD**

WHEREAS, Section 37.1-194 of the Code of Virginia, 1950, as amended, requires each city and county to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents, and to designate said board as an operating community services board, an administrative community services board, or a policy advisory community services board; and

WHEREAS, James City County has established the Colonial Services Board to provide community mental health, mental retardation, and substance abuse services, directly through its own staff or through contracts with other providers; and

WHEREAS, the Colonial Services Board conforms to the definition of an operating community services board that is contained in Section 37.1-194.1 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Colonial services Board is hereby designated as an operating community services board with the powers and duties enumerated in Section 37.1-197.A and Section 37.1-197.1 of the Code of Virginia, 1950, as amended.

3. Home Ownership Month, June 1998

**RESOLUTION**

**HOMEOWNERSHIP MONTH - JUNE 1998**

WHEREAS, home ownership strengthens families, builds communities, and promotes personal well-being; and

WHEREAS, James City County Office of Housing and Community Development is actively engaged in increasing homeownership opportunities for the people of James City County and is doing so through the successful efforts of a partnership of public, private, and nonprofit organizations; and

WHEREAS, the dream of decent affordable housing will only become a reality through the leadership and partnership of State and local governments, businesses, and civic organizations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim June 1998 to be "Homeownership Month" and call upon the people of James City County to recognize this special observance with appropriate ceremonies and activities.

4. Staffing Plan for Olde Towne Medical Center

**RESOLUTION**

**STAFFING PLAN FOR OLDE TOWNE MEDICAL CENTER**

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) has approved the attached staffing plan which increases the proposed staff full-time equivalent positions from 28.35 to 30.075 by the addition of a half-time Patient Services Representative, the addition of a half-time Dental Hygienist, increasing the hours of the Volunteer Coordinator from 10 to 15, increasing the hours of the GYN Nurse Practitioner from 20 to 24, and changing a Nurse Practitioner from half-time to full-time; and

WHEREAS, WAMAC has the necessary funding to support these changes; and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the staffing plan as described above.

**F. PUBLIC HEARINGS****1. Case No. SUP-10-98. James City Service Authority Norge Well Facility**

Mr. Gary A. Pleskac, Senior Planner, stated that Mr. Larry Foster had applied on behalf of James City Service Authority (JCSA) to demolish an existing well facility and build a new, expanded, well facility with two 55,000-gallon water storage tanks and pumping equipment, property zoned R-2, General Residential, and LB, Limited Business, located at 116 Nina Lane, further identified as Parcel No. (6-30A,) and a portion of Parcel No. (1-36) on James City County Real Estate Tax Map No. (23-2).

Mr. Pleskac described the project as two 55,000-gallon tanks, 16 feet in height and 28 feet in diameter, and a pump facility which would resemble a one-story, single-family dwelling with proposed extensive landscaping to enhance the aesthetics of the property.

Staff determined that the proposal was compatible with surrounding zoning and development; access, traffic impacts, and Comprehensive Plan designations were considered.

In concurrence with staff, the Planning Commission recommended approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing.

Mr. Larry Foster, applicant, expressed appreciation for all the time and effort spent by staff and homeowners in working on this project. He asked the Board for its support.

Mr. Edwards closed the public hearing.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

**RESOLUTION****CASE NO. SUP-10-98. JAMES CITY SERVICE AUTHORITY****NINA LANE WATER FACILITY**

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, following its public hearing on May 4, 1998, recommended approval of Case No. SUP-10-98 by a vote of 7 to 0 to permit the construction of two, 55,000 water storage tanks, booster pump facility and upgraded pumping equipment at 116 Nina Lane in Norge, further identified as a portion of Parcel No. (6-30A) and a portion of Parcel No. (1-36) on James City County Real Estate Tax Map No. (23-2).

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-10-98 as described herein with the following conditions:

1. If construction has not commenced within 18 months from the issuance of this special use permit by the Board of Supervisors, the permit shall become void. Construction shall be defined as the obtaining of permits for clearing and grading of the site and/or the construction of foundations and/or footings.
  2. The facility shall be limited to two (2) storage tanks of 55,000 gallons each. The tanks shall not exceed 16 feet in height and shall not exceed 28 feet in diameter and shall be painted a neutral color acceptable to the Director of Planning.
  3. The booster pump facility shall be similar in appearance and scale to a single-family residence. The exterior of the structure shall be faced with brick and shall have a gable roof with asphalt shingles in colors acceptable to the Director Planning.
  4. No further expansion of the water storage tanks shall be permitted.
  5. Landscaping shall be installed generally in accordance with the proposed site plan entitled, "Kristiansand Water Supply Facility," dated April 1998, and prepared by AES Consulting Engineers. Modifications or substitutions shall be approved by the Director of Planning prior to final site plan approval.
  6. Any security fencing around the site shall be black, vinyl-coated chain link fencing and shall be placed behind perimeter landscaping as approved by the Director of Planning prior to final site plan approval. No barbed wire or similar wire shall be permitted.
  7. No parking of JCSA equipment or vehicles, or other construction vehicles or equipment, shall be permitted on Nina Lane during construction of the facility.
2. Considerations of Resolutions to Convey Real Property: 131 Moses Lane and 4921 Hickory Sign Post Road

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated the resolution authorized the donation of a County-owned, .0231± acre vacant lot located at 1313 Moses Lane to Peninsula Habitat for Humanity. He further stated that the house would be constructed by volunteers and the buyers of the home, who are qualified low-income residents of James City County.

Staff recommended approval of the resolution.

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

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

**RESOLUTION**

**CONVEYANCE OF 0.231± ACRES**

**KNOWN AS 1313 MOSES LANE**

WHEREAS, the County owns certain real property consisting of 0.231± acres, commonly known as 1313 Moses Lane and designated as Parcel No. (8-8) on James City County Real Estate Tax Map No. (41-4) (the "Property"); and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to donate the Property to the Peninsula Habitat for Humanity for the construction of a single-family home for a qualified low-income family.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed and such other documents as may be necessary to convey free of charge the property, 1313 Moses Lane, to the Peninsula Habitat for Humanity based on its agreement to construct a single-family home for a James City County resident or family qualified as low-income by the County's Office of Housing and Community Development.

Mr. Hanson stated that the resolution authorized the sale of a County-owned, .185± acre vacant lot located at 4921 Hickory Sign Post Road to Skalak Building Company for construction of a two-story, three-bedroom home to be offered for sale below \$70,000 to a qualified first-time homebuyer.

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

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

## RESOLUTION

### CONVEYANCE OF 0.185± ACRES

#### KNOWN AS 4921 HICKORY SIGN POST ROAD

WHEREAS, the County owns certain real property consisting of 0.185± acres, commonly known as 4921 Hickory Sign Post Road and designated as Parcel No. (1-48) on James City County Real Estate Tax Map No. (47-2) (the "Property"); and

WHEREAS, Skalak Building Company, a Virginia Corporation, desires to purchase the Property to construct a home for a low-income family approved by the County's Office of Housing and Community Development; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to sell the Property to Skalak Building Company.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed and such other documents as may be necessary to convey the Property, 4921 Hickory Sign Post Road, to Skalak Building Company for \$12,500.00 with such necessary assurances that an affordable house will be built on the Property for a low-income family approved by the County's Office of Housing and Community Development.

### 3. Ordinance Amendment, Chapter 13, Motor Vehicles and Traffic, Driving While Intoxicated (D.W.I.) Traffic Enforcement

Mr. Leo P. Rogers, Deputy County Attorney, stated that the ordinance incorporated, by reference, into the James City County Code the 1998 amendments made by the General Assembly to the D.W.I. and traffic laws.

He further stated that the proposed ordinance amended §13-53 to authorize the enforcement of decal laws from other jurisdictions which have a compact with the County.

Staff recommended approval of the ordinance amendment.

Mr. Edwards 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: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

## G. BOARD CONSIDERATIONS

### 1. Case No. SUP-6-98. Thomas E. Brown Native American Outdoor Museum (Deferred from May 12, 1998)

Mr. Gary A. Pleskac, Senior Planner, stated that this case was deferred at the May 12, 1998, Board of Supervisors meeting to allow time to consider additional information on parking, attendance, traffic generation, and educational programs. He reiterated that Mr. Thomas Brown had applied for a special use permit to construct an Outdoor Native American Village Living Museum behind existing Four Winds Trading Post at 8758 Pocahontas Trail, zoned R-8, Rural Residential, and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (59-1).

Staff compared other Native American village museums to this proposal regarding traffic, parking, visitation, and programs.

Staff determined that the proposal was consistent with surrounding development and the Zoning Ordinance.

In concurrence with staff, the Planning Commission unanimously recommended approval of the resolution with conditions listed.

Board and staff discussed need for group bookings in advance to control parking and traffic, and Fire and Health Departments will check for fire safety and health consequences before Certificate of Occupancy is issued.

Board members questioned the applicant regarding rotation of groups in attendance, parking spaces to accommodate those numbers, and support of multicultural community.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

## RESOLUTION

### CASE NO. SUP-6-98. THOMAS E. BROWN NATIVE AMERICAN OUTDOOR LIVING MUSEUM

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, following its public hearing on April 6, 1998, recommended approval of Case No. SUP-6-98, by a vote of 7-0, to permit the operation of an outdoor Native American Outdoor Living Museum at 8758 Pocahontas Trail, further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (59-1).

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-6-98, as described herein, with the following conditions:

1. If construction of the project has not commenced within 18 months of the issuance of this special use permit, the permit shall become void. Construction shall be defined as the obtaining of permits for the clearing and/or grading of the site, the obtaining of permits for construction of foundations, footings, or any structure.
2. The proposed museum village site shall not exceed 25,000 square feet and shall be constructed generally in the area identified on the attached conceptual plan. Expansion or relocation of the site area shall not be permitted without prior approval of the Board of Supervisors by an amendment to this special use permit.
3. The proposed expanded parking area shall be located behind the existing Four Winds Trading Post in the location generally depicted on the Attached Conceptual Plan. The parking lot shall be landscaped in a manner that minimizes its visibility from Pocahontas Trail. The landscape plan shall be reviewed and approved by the Director of Planning prior to final site plan approval. The applicant shall design the site plan to provide 30 visitor spaces, four employee spaces, and three bus spaces. No further expansion, addition, or relocation of parking facilities for the Village shall be permitted without prior approval by the Board of Supervisors by an amendment to this Special Use Permit.
4. There shall be a minimum 30-foot landscaped buffer between the village site/parking lot and the adjacent single-family residential lot to the northwest and evergreen landscaping between the existing trading post and Pocahontas Trail. These buffers shall contain a mixture of evergreen trees or shrubs and shall be approved by the Director of Planning.
5. There shall be no fires or heat sources permitted within any of the proposed structures. Open fires on the village site must be within containment areas acceptable to the Fire Department prior to the issuance of a Temporary Certificate of Occupancy. All fires and embers shall be extinguished by 9:00 p.m.
6. There shall be no direct vehicular or pedestrian access between the museum village and the existing campground. The driveway(s) for the campground and the proposed use shall be designed in such a manner that promotes safe and efficient circulation of vehicular traffic on-site. Design of the driveway and expanded parking lot shall be approved by the Director of Planning prior to final site plan approval.
7. The applicant shall submit a traffic analysis with the site plan to determine the need for possible turn lanes into the property, the need for dedication of additional right-of-way, and the design of the commercial entrance into the property. The traffic analysis shall be approved by the County and VDOT prior to final site plan approval. All the improvements identified as necessary by the analysis shall be provided by the applicant prior to the issuance of a Temporary Certificate of Occupancy.
8. No members of the public shall throw, shoot, or otherwise discharge any weapons on the property.



9. The "weapons demonstration area" shall be enclosed with a wall or fence designed in a manner that no stray projectiles or similar objects accidentally leave the site.

2. Approve Williamsburg-Jamestown Airport Community Committee (Deferred from May 26, 1998)

Mr. McGlennon stated that the item had been deferred from May 26, 1998, Board of Supervisors meeting, and discussions had taken place regarding the purpose, membership, and expectations of the Committee. He suggested deferral of the item until the June 23, 1998, Board of Supervisors meeting to allow time for the airport owners to submit additional names.

Mr. McGlennon asked that the resolution be revised to reflect goals and a description of function of the Airport Community Committee.

Mr. Edwards deferred the case until June 23, 1998, Board of Supervisors meeting.

3. Workplace Violence Prevention Policy

Ms. Carol M. Luckam, Human Resource Manager, stated that violence in the workplace was growing nationwide and James City County was committed to the safety and security of its employees and customers. She further stated that the Workplace Violence Prevention Policy proposal was consistent with other national efforts.

Staff recommended approval of the Policy.

After a brief discussion, the Board members asked that the word unauthorized be struck from Section 11.10,A., paragraph 2; what weapons were prohibited; define workplace; and requested more information on violence definitions, consequences up to termination, and provide applicable policy from Personal Policies Standards of Conduct.

Mr. Edwards deferred the item until the requested information could be provided.

4. Adequate Public Schools Facilities Test

Mr. Paul D. Holt, III, Senior Planner, stated that during the 1997 Comprehensive Plan update, the Board of Supervisors requested a specific strategy to adopt an adequate public schools facilities test to be applied to new developments needing a special use permit or rezoning, requiring sufficient capacity in the school system to accommodate additional school children generated by the development under consideration.

Mr. Jeff Barra, Cochairman of the citizen committee, described the committee discussions and formulation of the recommendations that all new development should mitigate impacts to the school system and that the Board should solicit additional authority from the State to allow localities the ability to charge impact fees and create additional tests for the adequacy of public facilities.

Staff and the committee recommended approval of the policy.

After a lengthy discussion among the Board, staff, committee cochairman, and schools representative, the Board asked staff to delete the word design from effective design capacity; clarify policy's first recommendation from ...if the projected student population does not exceed... to ...projected student population of applicable public schools does...; change the policy's fourth recommendation to read ...residential development shall, through proffers and covenants, be restricted to adult residents; change requirement for staff to recommend denial if test does not pass on school facilities; look at issue whether developer should mitigate; and, change 110 percent of effective capacity to 100 percent.

Mr. John T. P. Horne, Manager of Development Management, stated that staff would prepare and bring back two versions of the policy with language clarifications for consideration at the June 23, 1998, Board of Supervisors meeting.

Mr. Edwards deferred the item until the June 23, 1998, Board of Supervisors meeting.

#### H. PUBLIC COMMENT

1. Mr. R. M. Hazelwood, Jr., Old Stage Road, Toano, asked that the closing of the Convenience Center in Grove be reconsidered and spoke in favor of saving taxpayer dollars by a reduction in the budget.
2. Mr. Richard Coakley, 110 Redbud Lane, President, Jamestown Civic Association, distributed a letter suggesting names for members of the Williamsburg-James City Airport Community Committee.

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner responded to the questions on closing of Grove Convenience Center by stating that the County provided curbside recycling to all homeowners and monies to acquire green space had been budgeted in Capital Projects.

Mr. Wanner recommended a recess from this meeting to Friday, June 19, 1998, 6:30 a.m., Government Center, for a trip to the High Growth Forum in Fredericksburg. He announced a brief James City Service Authority meeting following that recess.

Mr. Wanner announced several employees were selected for the Historic Triangle Leadership Program. He, again, announced a \$100,000 grant as part of the Home Partnership Program.

#### J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon reminded Board members that they were to help serve at County picnic on Thursday, June 11, 1998, 5:00 - 9:00 p.m. at Mid-County Park.

After a brief discussion, Mr. Nervitt asked the County Administrator to review the closure of the Grove Convenience Center.


Mr. Wanner responded that the cost to operate the facility outweighed the convenience. He stated that solid waste collection disposal could be added as a work session topic.

Mr. Nervitt requested that a copy of the fire station architect's letter to Mr. Bernie Farmer be distributed to all Board members.

Mr. Edwards made a motion to recess until Friday, June 19, 1998, at 6:30 a.m. for a trip to Fredericksburg to a High Growth Forum.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board recessed at 10:28 p.m.



Sanford B. Wanner  
Clerk to the Board

060998bs.min

ORDINANCE NO. 66A-41

JUN 9 1998

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY; AND ARTICLE IV, VEHICLE DECALS, SECTION 13-53, DECAL REQUIRED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; Section 13-28, Adoption of state law, generally; and Section 13-53, Decal required.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, 1997 ~~1998~~, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter

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as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

**State law reference - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.**

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

**Sec. 13-28 Adoption of state law, generally.**

Article 9 (Section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (section 18.2-266 et seq.) of chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1997 ~~1998~~, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

**State law reference - Authority to adopt state law on the subject, Code of Va. § 46.2-1313.**

Article IV. Vehicle Decals\*

Sec. 13-53. Decal required.

(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall procure an annual county motor vehicle decal.

In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, "motor vehicle, trailer and semitrailer" shall be defined in accordance with section 46.2-100 of the Code of Virginia.

(b) The following shall be the duty of persons taking residence in the county:

(1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within 30 days.

(2) Owners moving to the county from elsewhere in the state where a local decal or license was required, who at the time of moving to the county had obtained a local decal or license from that jurisdiction for the current year, shall obtain a current county motor vehicle decal and display it in accordance with the provisions of this article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall provide those newly moving into the county, upon payment of \$5.00, with a county motor vehicle decal for that decal year. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner

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remains a resident of or domiciled in James City County, unless otherwise excepted, a current county motor vehicle decal shall be procured for each decal year in accordance with the provisions of this article.


(c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have 30 days from the date of purchase to procure a county motor vehicle decal.

*(d) It shall be unlawful for any owner or operator of a motor vehicle, trailer, semitrailer, or motorcycle who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer, semitrailer, or motorcycle a valid decal issued by such locality to drive or park such motor vehicle, trailer, semitrailer, or motorcycle on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752(K), Code of Virginia, as amended, for the regional enforcement of licensing requirements.*

\*State law reference - Authority of county to license motor vehicles, etc., and provisions relating thereto, Code of Va., §§ 46.2-752, and 46.2-755.

This Ordinance shall become effective on July 1, 1998.

  
\_\_\_\_\_  
Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:  
  
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 1998.