

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JULY 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Anthony Green, Jamestown High School Graduate, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Linda Reese, 511 Spring Trace, stated that a site plan had recently been submitted for the Autumn West development and expressed her concern about it. She mentioned that the Army Corps of Engineers permit may have expired. She also commented on and showed photos of flooding in the area.

2. Mr. Ed Oyer, 139 Indian Circle, commented on public funding for economic development projects, the parking ordinance, and Virginia Power having excellent customer service. He mentioned the budget and commented on not being able to hear speakers at the Board meeting.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that he attended a meeting of the James City County Citizens Coalition (J4C) and received a case study on the Autumn West development. He suggested that staff and the Board read the document. He suggested that the County needs more effective tools in dealing with in fill development. He proposed a phased development plan that would expire in given time and that if the plan was not completed in that time, then the developer would have to come back to the Board for approval. In addition, he suggested that development comply with ordinances at the time of development.

Ms. Jones asked staff to look into improving the sound in the Board room and stated that she attended the opening ceremony of the Top Gun Football Camp which had 1,300 players in attendance.

G. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the Consent Calendar.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

1. Minutes – June 14, 2011, Regular Meeting
2. Grant Award – Chesapeake Bay Restoration Fund – \$3,600

RESOLUTION

GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND - \$3,600

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Parks and Recreation Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$3,600 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

From the Commonwealth	<u>\$3,600</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$3,600</u>
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3. Grant Award – Criminal Justice Information Technology Improvement – \$18,950

RESOLUTION

GRANT AWARD – CRIMINAL JUSTICE INFORMATION TECHNOLOGY

IMPROVEMENT – \$18,950

WHEREAS, the James City County Police Department has been awarded a Criminal Justice Information Technology Improvement Grant through the Virginia Department of Criminal Justice Services (DCJS) for \$18,950 (\$14,212 DCJS; \$4,738, local match); and

WHEREAS, the funds will be used for the purchase of LiveScan and Forensic Recovery of Evidence Device (FRED); and

WHEREAS, the grant requires a match of \$4,738, which is available in the Special Projects/Grants fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenues:

DCJS – Technology Improvement	\$14,212
Grant Match Account	<u>4,738</u>
Total	<u>\$18,950</u>

Expenditure:

DCJS – Technology Improvement	<u>\$18,950</u>
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4. Modification and Reissuance of a Revenue Bond for Christopher Newport University (CNU) Education Foundation, Inc. – \$8,000,000

RESOLUTION

MODIFICATION AND REISSUANCE OF A REVENUE BOND FOR CHRISTOPHER NEWPORT

UNIVERSITY (CNU) EDUCATION FOUNDATION, INC. - \$8,000,000

WHEREAS, on May 18, 2001, the Economic Development Authority (EDA) of James City County, Virginia (the "Authority"), issued, for the benefit of the Christopher Newport University (CNU) Education Foundation, Inc. (the "Foundation"), formerly known as The Christopher Newport University Educational Foundation, Inc., the Authority's \$8,000,000 Revenue Bond (CNU Project) Series 2001 (the "Bond"), and pursuant to a Bond Purchase and Financing Agreement dated as of May 1, 2001, among the Authority, the Foundation and Bank of America, N.A. (the "Lender"), the Authority sold the Bond to the Lender and applied the proceeds of the Bond to assist the Foundation in: a) the acquisition of properties for student housing, parking, and other facilities

associated with CNU (the "Project") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366, and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place); b) financing the cost of issuing the Bond; and c) financing the costs of furnishings and other costs associated with the development of the properties; and

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has been advised that the Authority has approved the modification of the Bond to extend its final maturity (currently September 1, 2011) for an additional period of up to ten years at a principal amount not to exceed \$3,000,000; and

WHEREAS, the Board has been advised that the Foundation, in its appearance before the Authority: a) described the continued educational and other benefits to the County of James City, Virginia (the "County") and the City of Newport News, Virginia (the "City"), derived from the Project and from the modification of the Bond; b) requested that the Authority designate the Bond, as modified, as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), for calendar year 2011; and c) requested that the Authority recommend to the Board that it approve the issuance of the Amended and Restated Bond, a form of which has been presented to this meeting (the "Amended Bond"), as required by the Code; and

WHEREAS, the Board has been advised that a public hearing was held by the Authority with respect to the modification of the Bond, as required by the Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and by Section 147(f) of the Code, and that after its hearing the Authority: a) found and determined that the modification of the Bond will benefit the inhabitants of the City and the Commonwealth of Virginia and promote their education, welfare, convenience, and prosperity; b) designated the Amended Bond as a "qualified tax-exempt obligation" for calendar year 2011; and c) recommended that the Board approve the issuance of the Amended Bond as required by the Code; and

WHEREAS, a copy of the Authority's resolution, a reasonably detailed summary of the comments expressed at the public hearing held by the Authority with respect to the modification of the Bond, a statement in the form prescribed by Section 15.2-4907 of the Act, and a concurring resolution of the City Council of the City of Newport News, Virginia, as required by Section 15.2-4905 of the Act, have been filed with the Board.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the Board approves the modification of the Bond, the designation of the Amended Bond as a "qualified tax-exempt obligation" for calendar year 2011, and the issuance of the Amended Bond by the Authority to the extent required by the Code and the Act.
2. That the approvals herein do not constitute an endorsement to any owner of the Amended Bond of the creditworthiness of the Foundation or any other person, and the Amended Bond shall provide that neither the Commonwealth of Virginia, the County, nor the Authority shall be obligated to pay the Amended Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto.

3. That this resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the above resolution was duly adopted by the Board of Supervisors of James City County, Virginia, at a meeting duly called and held on July 26, 2011, and that such resolution is in full force and effect on the date hereof.

H. PUBLIC HEARINGS

1. Ordinance to Amend Chapter 20, Taxation, Section 20-7.5, Fee for Passing a Bad Check to the County

Mr. Max Hlavin, a William and Mary student and an Intern with the County Attorney's office, gave a presentation to the Board. The 2011 General Assembly amended and reenacted Section 15.2-106 of the Code of Virginia, which gives localities the authority to charge a fee for the passing of a bad check to the locality. The amendment raised the amount that the locality may charge for receiving a bad check from \$35 to \$50. The Treasurer asked that the County update the corresponding section of the County Code to reflect that change and give the County access to the full penalty provided to it by the State Legislature.

Mr. Goodson asked if the fee would apply to all County checks received.

Mr. Hlavin replied that it would.

Mr. Goodson asked why a \$50 fee.

Mr. Hlavin commented that it is based on the Code of Virginia.

Mr. Kennedy asked about the actual cost to the County to process a bad check.

Mr. Middaugh replied that the cost is more than \$50.

Mr. Rogers commented that the Treasurer's office requested this ordinance in order to recover cost.

Mr. Kennedy commented on the fees and that some customers may make honest mistakes.

Mr. Goodson asked if the County has the ability to waive the fee.

Mr. Rogers commented that the Treasurer does have that ability if it is determined that it is not the fault of the taxpayer.

Mr. McGlennon commented that a fee is already in place and the State is giving localities the option to raise it.

Mr. Kennedy asked about the Freedom of Information Act (FOIA) rate.

Mr. Rogers commented that the fee is approximately \$20 to \$21.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

2. Ordinance Amendments to Reflect Name Changes for Two Divisions

Ms. Erin Waugh, an Appalachian State University student and an Intern with the County Attorney's office, gave a presentation about various ordinance chapter amendments needed to reflect name changes for two County divisions. The Environmental Division has been renamed the Engineering and Resource Protection Division. The Code Compliance Division is now the Building Safety and Permits Division. The functions of each division will remain unchanged. The name changes are intended to clarify the purpose of these divisions for citizens. The new names are currently in use, and by adopting the attached ordinances, the Board of Supervisors will formally add the changes to the James City County Code.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

3. Ordinance to Amend Chapter 10, Garbage and Refuse, Section 10-4, Maintenance of Premises-Duty of Owners, Occupants, and Persons in Charge

Mr. Hlavin presented the proposed changes to Sections 10-4 and 10-5 of the County Code, which are amendments that will align the County's ability to control and penalize property mismanagement with the powers enumerated in the Code of Virginia. The County is not currently taking advantage of the ability to prescribe for the cutting of grass and weeds on occupied properties, a power granted specifically to James City County by the State legislature. These amendments allow the County to exercise its full power as defined by the State.

In summary, these amendments will 1) give the County the ability to prescribe the maintenance of occupied properties within certain zones, as well as all vacant properties; 2) ensure that the disposal of trash and waste is done properly; 3) eliminate potential Dillon Rule issues; and 4) allow for the Board to more easily prescribe varying levels of maintenance for different property types if the need should arise.

Mr. Goodson commented that he does not want the County to charge a high price.

Mr. Middaugh commented that staff is looking into an option where County staff would cut grass on weekends. This would result in a reduction in cost. Mr. Middaugh stressed that the cost would need to be reasonable, but not so low as to create the perception of an inexpensive grass cutting service.

Ms. Jones opened the Public Hearing.

Mr. Ed Oyer asked if the ordinance would also apply to the maintenance of buildings.

Mr. Middaugh replied that it would not.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

4. Ordinance to amend Chapter 2, Section 2-16.3, Disposition of Unclaimed Bicycles and Mopeds

Mr. Hlavin stated that the James City County Police Department (JCCPD) has difficulty managing and storing unclaimed bicycles for the amount of time required by the current County Code. The JCCPD has requested that the County Code be updated to allow it the full range of options provided by Section 15.2-1720 of the Code of Virginia for dealing with unclaimed bicycles. These amendments to Section 2-16.3 of the County Code make the process of dealing with unclaimed bicycles quicker and easier for the JCCPD.

The first amendment allows for the JCCPD to sell unclaimed bicycles at public auction, as they are able to do with other unclaimed personal property, in addition to their ability to donate them to government agencies and charitable organizations. The proceeds of such sales will be handled in the same manner as the proceeds from the sales of other unclaimed property.

The second amendment allows the JCCPD to sell or donate bicycles and other mopeds after possessing them, unclaimed, for more than 30 days as opposed to 60 days. This will allow for the JCCPD to maintain a cleaner, less cluttered storage facility.

Mr. Middaugh commented that the Police Department can register individual serial numbers that would give it the capability to match the bikes with the owner(s).

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

Mr. McGlennon stated that the College of William and Mary has an auction that includes bicycles and mentioned that staff may want to look into partnering with the College on the auction.

5. Olde Towne Medical Center Lease Renewal

Mr. Hlavin stated that the County has been leasing a portion of the Human Services Building to the Williamsburg Area Medical Assistance Corporation (WAMAC) for the operation of the Olde Towne Medical Center. Under the terms of the Lease, the County will provide space in the Human Services Building to WAMAC for the Olde Towne Medical Center. The lease term is five years. WAMAC will occupy approximately 10,000 square feet. The annual rent is \$80,052 for the first year and increases at the rate of four percent each year of the lease term.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

I. BOARD CONSIDERATIONS

1. Resolution Requesting that Cox Communications Hampton Roads, LLC Carry a Richmond Area Television Station in James City County

Mr. Leo Rogers, County Attorney, gave a presentation to the Board. On July 23, 2011, James City County was notified by Cox Communications Hampton Roads, LLC (Cox) that due to contractual obligations, Cox will no longer carry WWBT Channel 12 Richmond, effective August 1, 2011.

In an effort to find a solution, staff had several conference calls with Cox and further communications with the Federal Communications Commission (FCC). After hearing from County citizens and staff, Cox advised that it will seek another Richmond station to add to the Cox lineup which can be viewed by its James City County customers. The resolution below supports and encourages that effort.

Under FCC regulations, any locality can negotiate cable franchises for its communities but programming and rates are not part of those agreements. Although the County has no legal authority with regard to programming, Cox has been receptive to previous requests from the Board of Supervisors to better serve Cox customers in the County.

Mr. Goodson commented that many County citizens travel to Richmond and having Richmond information is important.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

RESOLUTION

RESOLUTION REQUESTING THAT COX COMMUNICATIONS HAMPTON ROADS, LLC

CARRY A RICHMOND AREA TELEVISION STATION IN JAMES CITY COUNTY

WHEREAS, Cox Communications Hampton Roads, LLC has notified James City County that it is no longer able to carry Channel 12, WWBT/NBC Richmond, on its Norfolk/Hampton Roads cable television system; and

WHEREAS, each commercial television station in the United States is assigned a local television market according to Nielsen Media Research, and James City County is located in the Norfolk/Hampton Roads media market; and

WHEREAS, it is unusual to have two local broadcasters from the same network affiliate but located in different markets; and

WHEREAS, a large percentage of James City County residents associate themselves more with the Richmond media market than Norfolk/Hampton Roads and desire a Richmond source of news, weather, and traffic; and

WHEREAS, County staff has contacted Cox Communications Hampton Road, LLC and the Federal Communications Commission to gather information on the issue and express the deep concern of residents about the loss of a Richmond area media source.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that Cox Communications Hampton Roads, LLC explore all opportunities to bring a Richmond broadcaster to the James City County cable television system as soon as possible.

J. PUBLIC COMMENT

1. Ms. Dorothy Piper, Spring Trace, commented on setbacks on the road that connects to Autumn West Village and the fill that has been removed for this project.

2. Ms. Linda Reese, 511 Spring Trace, commented on the preservation of trees based on the Autumn West plan and also mentioned the traffic congestion along Longhill Road.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh discussed the Regional Surry Drill and the County's good report from the Virginia Department of Emergency Management and Federal Emergency Management Agency. He reminded the Board and citizens of the New Police Building Ribbon Cutting Ceremony to be held July 28, 2011, 5:30 p.m., at 4600 Opportunity Way.

Mr. Middaugh commented on the Closed Session pursuant for consideration of a personnel matter, involving the annual performance of County Administrator and County Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and that then the Board will adjourn to 4 p.m. on Tuesday, August 9, 2011 for a work session.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned his appreciation of the interns working with the County and recognized the pledge leader, Mr. Anthony Green, for his skills as an orator.

Mr. Icenhour commented on the pictures from Autumn West and discussed the delineation of the flood plain. He asked staff to contact the Corps of Engineers to verify the accuracy.

Mr. Middaugh commented that a Corps of Engineers permit was not required at the time of Autumn West's approval.

Ms. Jones commented on attending a Regional Issues Committee meeting where Williamsburg Area Transit Authority made a presentation about its plan for expanding services to other areas in the County. She mentioned the corridor enhancement for Route 60 along the entrance to Busch Gardens.

Mr. Goodson made a motion to amend the Board of Supervisors calendar to reflect that the Board will have a work session on August 9, 2011, beginning at 4 p.m.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 7:47 p.m., Ms. Jones recessed the Board into Closed Session.

At 7:52 p.m., Ms. Jones reconvened the Board.

M. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Consideration of a personnel matter, involving the annual performance of the County Administrator and the County Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

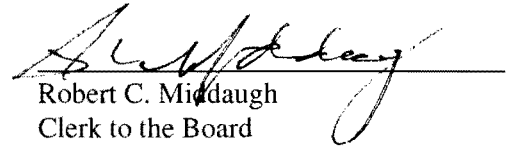
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider personnel matters, the annual performance evaluation of the County Attorney and the annual performance evaluation of the County Administrator.

N. ADJOURNMENT to 4 p.m. on August 9, 2011.

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). NAY: (0).

At 8:44 p.m., Ms. Jones adjourned the Board until 4 p.m. on August 9, 2011.



Robert C. Midaugh
Clerk to the Board

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ADOPTED

JUL 26 2011

ORDINANCE NO. 107A-60

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 20-7.5, FEE FOR PASSING A BAD CHECK TO THE COUNTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-7.5, Fee for passing a bad check to the county.

Chapter 20. Taxation

Article I. In General


Sec. 20-7.5. Fee for passing a bad check to the county.

There shall be a fee of ~~\$35.00~~ \$50.00 imposed on any person for the uttering, publishing, or passing of any check or draft to the county, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

State law reference – Code of Va., § 15.2-106.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

BadCheck_ord

ADOPTED

JUL 26 2011

ORDINANCE NO. 55A-42

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, SECTION 2-11.1, DISCLOSURES OF FINANCIAL INTEREST.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-11.1, Disclosures of financial interest.

Chapter 2. Administration

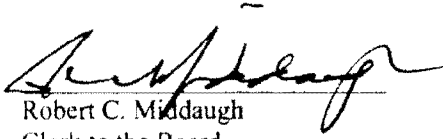
Article IV. Officers and Employees

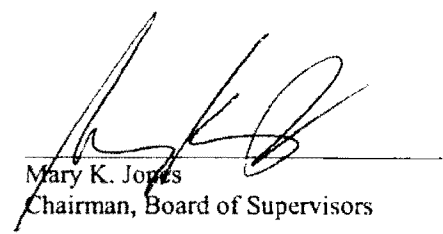
Division 1. Generally

Section 2-11.1. Disclosures of financial interest.

Annually by January 15 of each year or otherwise within 21 days of formal notification of appointment or employment, the members of the board of supervisors and of the school board, and the county administrator, the assistant county administrator, the county attorney, the manager of financial and management services, the manager of development management, the manager of general services, the director of planning, the director of ~~code compliance~~ *building safety and permits*, the zoning administrator, the capital projects administrator, the director of the ~~environmental engineering and resource protection~~ division, the general manager of the James City Service Authority, and the human resources manager shall file, as a condition to assuming or holding office or employment, a disclosure statement of personal interests and such other information as required on the form or forms specified in section 2.2-3117 of the Code of Virginia, as amended.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

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ADOPTED

JUL 26 2011

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 81A-20

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION I, GENERALLY, SECTION 4-4, WHEN AND WHERE COPIES MAY BE OBTAINED; ARTICLE VI, WELL CONSTRUCTION, SECTION 4-52, DEFINITIONS; SECTION 4-53, APPLICATION AND COMPLIANCE; SECTION 4-54, ADMINISTRATION AND ENFORCEMENT; SECTION 4-61, INSPECTIONS; SECTION 4-62, NOTICE TO CORRECT; AND SECTION 4-64, EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-4, When and where copies may be obtained; Section 4-52, Definitions; Section 4-53, Application and compliance; Section 4-54, Administration and enforcement; Section 4-61, Inspections; Section 4-62, Notice to correct; and Section 4-64, Exceptions.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division I. Generally

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

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

Article VI. Well Construction

Sec. 4-52. Definitions.

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

Approved. Material, equipment, workmanship, process or method that has been accepted by the office of ~~code compliance~~ ***building safety and permits*** and the local health department as suitable for proposed use.

Sec. 4-53. Application and compliance.

(b) Building contractors, developers, plumbers, well drillers and all persons making well and well pump installations shall be responsible for compliance with applicable sections of this article and the Virginia Uniform Statewide Building Code. It shall be the responsibility of the well driller to secure the well permit from the office of ~~code compliance~~ ***building safety and permits***. The permit does not exempt persons from securing any approval or permit required by the health department, state water control board or any other permit required by the office of ~~code compliance~~ ***building safety and permits***.

Sec. 4-54. Administration and enforcement.

This article shall be administered and enforced by the director of ~~code compliance~~ ***building safety and permits*** or the general manager of the authority or their appointed designees.

Sec. 4-61. Inspections.

The general manager of the authority, director of ~~code compliance~~ ***building safety and permits*** or their appointed designees shall be responsible for inspections and the approval or rejection of any material, equipment, workmanship, process or method involved in the construction and installation of wells. Inspections shall be scheduled at least one working day in advance and occur during the authority's normal working hours. Inspections can be scheduled by calling the office of ~~code compliance~~ ***building safety and permits***. Inspections are required for all grouting operations and the completed well. An operational permit will be issued upon the satisfactory completion of the well and acceptance of the water quality test results.

Sec. 4-62. Notice to correct.

The general manager of the authority or director of ~~code compliance~~ *building safety and permits* shall issue written notice requiring the permit holder to correct any violations of this article or the terms of the permit within a reasonable period of time. Should any violation be uncorrectable, the permit holder may be required to abandon the well as detailed in section 4-59. Certificates of occupancy and operational permits will not be issued by ~~code compliance~~ *the building safety and permits division* until all work is satisfactorily completed. Failure to comply shall result in penalties being assessed under section 4-63 and the denial of any further permits under this article.

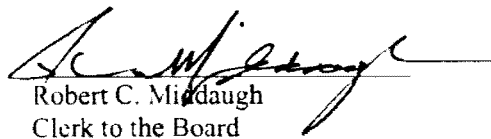
Sec. 4-64. Exceptions.

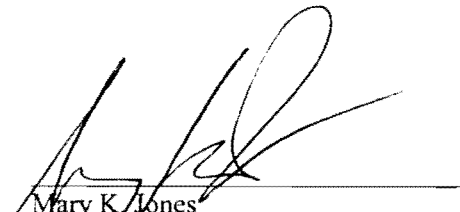
The director of ~~code compliance~~ *building safety and permits* shall have the authority to grant exceptions to this article for the use of alternative materials or construction methods subject to the following:

(4) The exception shall be requested in writing, with justification and documentation satisfactory to the director of ~~code compliance~~ *building safety and permits*; and

(5) The director of ~~code compliance~~ *building safety and permits* may impose reasonable conditions to the granting of the exception.

ATTEST:


Robert C. Mindaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

JUL 26 2011

ORDINANCE NO. 85A-19BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-2, DEFINITIONS; SECTION 8-3, EROSION AND SEDIMENT CONTROL PROGRAM; SECTION 8-4, REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS, CONTENTS OF PLANS; SECTION 8-5, PERMITS, FEES, BONDING, ETC.; SECTION 8-6, MONITORING, REPORTS, AND INSPECTIONS; AND SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Section 8-2, Definitions; Section 8-3, Erosion and sediment control program; Section 8-4, Regulated land-disturbing activities; Submission and approval of plans, content of plans; Section 8-5, Permits, fees, bonding, etc.; Section 8-6, Monitoring, reports, and inspections; and Section 8-7, Penalties, injunctions, and other legal actions.

Chapter 8. Erosion and Sediment Control

Sec. 8-2. Definitions.

As used in the chapter, unless the context requires a different meaning:

Certified program administrator. The director of the ~~environmental division~~ *engineering and resource protection division* who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Plan-approving authority. The ~~environmental~~ *engineering and resource protection* division responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Sec. 8-3. Erosion and sediment control program.

(c) The county hereby designates the ~~environmental engineering and resource protection~~ division as the plan-approving authority.

Sec. 8-4. Regulated land-disturbing activities; Submission and approval of plans, contents of plans.

(a) Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the ~~environmental engineering and resource protection~~ division for the county an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.

Sec. 8-5. Permits, fees, bonding, etc.

(e) Performance surety. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.

The amount of the performance surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the ~~environmental~~ **engineering and resource protection** division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

Sec. 8-6. Monitoring, reports, and inspections.

(b) The ~~environmental~~ **engineering and resource protection** division shall periodically inspect the land-disturbing activity as prescribed in the *Virginia Erosion and Sediment Control Regulations* and require that an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land-disturbing activity, be identified to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the ~~environmental~~ **engineering and resource protection** division determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and shall be subject to the penalties provided by this chapter.

(c) Upon determination of a violation of this chapter, the ~~environmental~~ **engineering and resource protection** division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the ~~environmental~~ **engineering and resource protection** division may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of James City County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the ~~environmental~~ **engineering and resource protection** division may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.

The owner may appeal the issuance of an order to the circuit court of James City County.

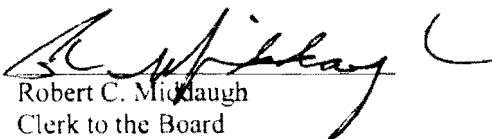
Any person violating or failing, neglecting or refusing to obey an order issued by the ~~environmental~~ *engineering and resource protection* division may be compelled in a proceeding instituted in the circuit court of James City County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

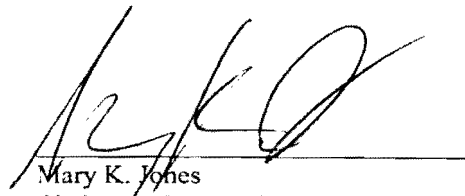
Nothing in this section shall prevent the ~~environmental~~ *engineering and resource protection* division from taking any other action authorized by this chapter.

Sec. 8-7. Penalties, injunctions, and other legal actions.

(c) The ~~environmental~~ *engineering and resource protection* division, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of James City County to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.

ATTEST:


Robert C. Middleaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

ADOPTED

JUL 25 2011

ORDINANCE NO. 116A-39

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SWIMMING POOLS, SECTION 11-18, DEFINITIONS; SECTION 11-19, POOL OPERATION AND MAINTENANCE; SECTION 11-20, INSPECTION; SECTION 11-21, AUTHORITY TO ORDER POOLS CLOSED; AND ARTICLE IV, SMOKING, SECTION 11-33, ENFORCEMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by amending Section 11-18, Definitions; Section 11-19, Pool operation and maintenance; Section 11-20, Inspection; Section 11-21, Authority to order pools closed; and Section 11-33, Enforcement.

Chapter 11. Health and Sanitation

Article III. Swimming Pools

Sec. 11-18. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them by this section:

Director. The director of ~~code compliance~~ *building safety and permits* for James City County or his designee.

Sec. 11-19. Pool operation and maintenance.

(a) Water supply. All water used in public swimming pools shall be from potable sources that are approved by the director of ~~code compliance~~ *building safety and permits*. No piping arrangements shall exist which will permit sewage or wastewater to enter the swimming pool system.

(c) Disinfection. The treatment system of all public swimming pools shall be operated at all times when the pool is in use so as to maintain either a free chlorine residual content of not less than 0.5 ppm at

all points throughout the swimming pool, or adequate disinfection by chemicals at such other levels as approved by the director of ~~code compliance~~ *building safety and permits*.

(e) *Operating records.* Daily records of the operation of public swimming pools shall be maintained by the operator. These records shall indicate pH and chlorine levels, water clarity and cleanliness, and such other information as may be required by the director of ~~code compliance~~ *building safety and permits* to determine if the pool is being operated in a healthy and safe manner. These records shall be kept on file for a period of at least one year.

(f) *Filtration.* Filters designed to clear the pool water shall be operated 24 hours per day each day the public swimming pool is in use. At all times when the pool is open, the water shall be sufficiently clear to permit a disc six inches in diameter, divided into alternate black and white quadrants, when placed on the bottom of the pool at the deepest point, to be clearly visible from the swimming pool deck. The filter requirement may be waived by the director of ~~code compliance~~ *building safety and permits* for pools in which water depth is no greater than two feet upon a determination that alternate methods are being utilized to maintain the water clarity.

(g) *Lifesaving equipment.* The operator of any public swimming pool shall provide minimum lifesaving equipment consisting of either a "shepherd's crook" or a "throw ring" with rope attached, capable of reaching across half the width of the pool. The director of ~~code compliance~~ *building safety and permits* may, in writing, require additional lifesaving equipment, when such is deemed necessary because of the size of the pool or activity therein.

Sec. 11-20. Inspection.

The operator or person in charge of any public swimming pool shall, upon request of the director of ~~code compliance~~ *building safety and permits*, permit access to all parts of the establishment at all reasonable times for the purpose of inspection.

Sec. 11-21. Authority to order pools closed.

When the director of ~~code compliance~~ *building safety and permits* finds a violation of this article or any other condition that endangers the health or safety of the users of a public swimming pool, the director may order the pool closed until such condition is corrected. Failure to immediately close the pool shall be a violation of this article.

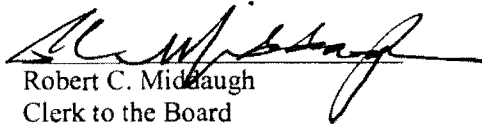
Article IV. Smoking.

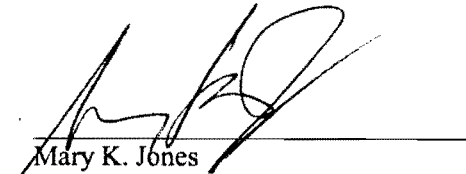
Sec. 11-33. Enforcement.

(a) Any citizen who desires to register a complaint under this article may contact the police department or office of ~~code compliance~~ **building safety and permits** who may initiate civil enforcement.

(b) The director of ~~code compliance~~ **building safety and permits** or duly authorized designee shall perform an evaluation for compliance with all requirements of this article while an establishment is undergoing otherwise mandated inspections. The director of ~~code compliance~~ **building safety and permits** or duly authorized designee may issue a civil summons for any violation under section 11-32(a).

ATTEST:


Robert C. Middleaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

JUL 26 2011

ORDINANCE NO. 16A-29BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 12-72, PAWNBROKERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-72, Pawnbrokers.

Chapter 12. Licenses

Article II. Specific Businesses and Activities


Sec. 12-72. Pawnbrokers.

(c) *Issuance of license.* The commissioner of the revenue may issue a pawnbroker license upon receipt of the following:

- (1) Statement from the ~~director of code compliance~~ *zoning administrator*, or his designee, that conduct of a pawnbroker business in the location proposed is in conformity with the County Code.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

ADOPTED

JUL 26 2011

ORDINANCE NO. 14A-2

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SEWERS AND SEWAGE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SEPTIC TANKS, SECTION 17-11, PERMIT REQUIRED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Sewers and Sewage, is hereby amended and reordained by amending Section 17-11, Permit required.

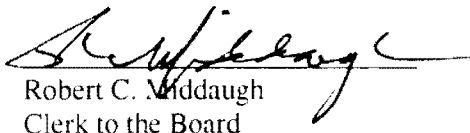
Chapter 17. Sewers and Sewage

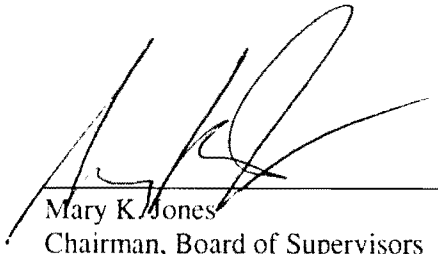
Article III. Septic Tanks

Sec. 17-11. Permit required.

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the county ~~code compliance office~~ *building safety and permits division*. The application for such permit shall be made on a form furnished by the ~~code compliance office~~ *building safety and permits division*, and shall include written approval by the county health department, as well as any plans, specifications, and other information as are deemed necessary by the ~~code compliance office~~ *building safety and permits division*. A permit and inspection fee of \$100.00 shall be paid to the county treasurer prior to the issuance of said permit.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

JUL 26 2011

ORDINANCE NO. 30A-39BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS; ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-32, LAND MUST BE SUITABLE, SECTION 19-50, STREET DRAINAGE; SECTION 19-64, STREETLIGHTS; AND ARTICLE IV, PERFORMANCE ASSURANCES, SECTION 19-72, INSTALLATION OF IMPROVEMENTS AND BONDING.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-2, Definitions; Section 19-32, Land must be suitable; Section 19-50, Street drainage; Section 19-64, Streetlights; and Section 19-72, Installation of improvements and bonding.

Chapter 19. Subdivisions

Article I. General Provisions

Sec. 19-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

Division of ~~code compliance~~ building safety and permits: The James City County Director of ~~code compliance~~ *Building Safety and Permits* or his designee.

~~—Environmental division—~~*Engineering and resource protection division:* The Director of the James City County ~~Environmental Division~~ *Engineering and Resource Protection Division* or his designee.

Article III. Requirements for Design and Minimum Improvements

Sec. 19-32. Land must be suitable.

(a) The agent shall not approve the subdivision of land if he determines, after adequate investigations conducted by the transportation department, the health department or the ~~environmental~~ director *of engineering and resource protection*, that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, utility easements or other features harmful to the safety, health and general welfare of the public.

Sec. 19-50. Street drainage.

(c) Drainage from street rights-of-way must be contained in either a pipe system constructed of materials approved by the transportation department, when within a street right-of-way, or a concrete paved ditch to the point where it outfalls into natural drainage or enters a common area. The paved ditch must have a minimum longitudinal slope of 0.3 percent. The upstream invert of any outlet pipe shall be 0.5 feet higher than the downstream invert and have a minimum slope of 0.2 percent. The downstream invert of the pipes or ditches must be at or above natural, existing ground. Side slopes of ditches not located within a public street right-of-way shall not exceed a slope of 3:1. These requirements may be waived or modified by the ~~environmental division~~ director *of engineering and resource protection* upon written request and justification by the owner or developer.

Sec. 19-64. Streetlights.

(a) The subdivider shall install streetlights as determined by the ~~environmental division~~ director *of engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body, in those subdivisions which require the construction of streets. The subdivider shall deposit with the agent one year's rent for the streetlight system prior to approval of the final plan. If the streets within the subdivision are not accepted by the transportation department prior to the end of the one-year billing period covered by the deposit,

the subdivider shall compensate the county for any additional rental charges incurred prior to release of the subdivision surety.

(b) Streetlights, in subdivisions with private streets, shall be installed by the subdivider as determined by the ~~environmental division~~ director of *engineering and resource protection* and in accordance with the Streetlight Policy, as approved by the governing body. Such streetlights shall be maintained and all operating expenses paid by the homeowners' association or other legal entity responsible for such expenses. The establishment of a homeowners' association or other legal entity shall be demonstrated to the satisfaction of the county attorney.

Article IV. Performance Assurances

Sec. 19-72. Installation of improvements and bonding.

(a) Prior to approval of the final plat, all publicly or privately maintained and operated improvements which are required by this chapter shall be completed at the expense of the subdivider. Pending such actual completion, the subdivider may obtain final plat approval by providing for completion of the required improvements by entering into an agreement with the county and furnishing to the county a certified check, bond with surety satisfactory to the county, or a letter of credit in an amount to cover the cost of all the improvements required to be installed by the subdivider as estimated by the director of the ~~environmental division~~ *engineering and resource protection*. Such documents shall be submitted to the director of the ~~environmental division~~ *engineering and resource protection*. The form of the agreement and type of surety shall be to the satisfaction of and approved by the county attorney. The length of time in which the improvements are to be completed shall be determined by the director of the ~~environmental division~~ *engineering and resource protection*. If the improvements are not completed in a timely manner, the director of the ~~environmental division~~ *engineering and resource protection* shall proceed to complete the improvements by calling on the surety.

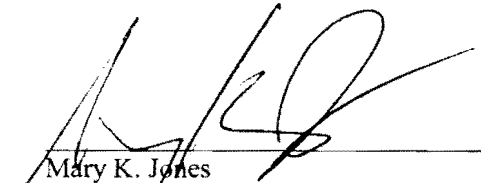
(b) Upon written request by the subdivider, the director of ~~the environmental division~~ *engineering and resource protection* shall make periodic partial releases of surety in a cumulative amount equal to no less than 80 percent of the original amount of the surety based upon the percentage of facilities completed and approved by the county, service authority or state agency having jurisdiction. Periodic partial releases shall not occur before the completion of at least 30 percent of the facilities covered by any surety or after completion of more than 80 percent of said facilities. The director of ~~the environmental division~~ *engineering and resource protection* shall not be required to execute more than three periodic partial releases in any twelve-month period.

(c) Within 30 days after receipt of written notice by the subdivider of completion of part or all of the facilities required to be constructed, the director of ~~the environmental division~~ *engineering and resource protection* shall notify the subdivider of any nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures. "Written notice" shall consist of a letter from the subdivider to the director of ~~the environmental division~~ *engineering and resource protection* requesting reduction or release of the surety along with a set of as-built plans, if required, and a certificate of completion by a duly licensed engineer.

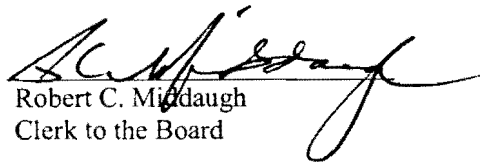
(d) If no action is taken by the director of ~~the environmental division~~ *engineering and resource protection* within the thirty-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail to the county administrator. The director of ~~the environmental division~~ *engineering and resource protection* shall act within ten working days of receipt of this request. If no action is taken, the request shall be deemed approved and final release granted to the subdivider.

(e) Upon final completion and acceptance of said facilities, the director of ~~the environmental division~~ *engineering and resource protection* or his designee shall release any remaining surety to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when said public facility is accepted by and taken over for operation and maintenance by the

state agency, county government department or agency, or other public authority which is responsible for maintaining and operating such facility upon acceptance.


Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp19Subdiv_ord

ADOPTED

JUL 26 2011

ORDINANCE NO. 65A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, USE PERMITS, SECTION 22-5, APPLICATIONS, MAPS, DOCUMENTS TO BE OPEN TO PUBLIC INSPECTION; AND SECTION 22-7, WETLANDS BOARD ACTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Section 22-5, Applications, maps, documents to be open to public inspection; and Section 22-7, Wetlands board action.

Chapter 22. Wetlands

Article II. Use Permits

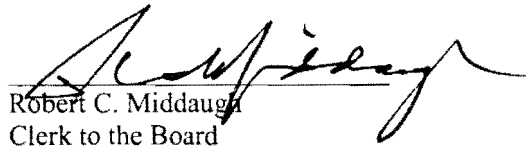
Sec. 22-5. Applications, maps, documents to be open to public inspection.

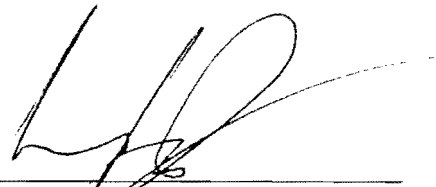
All applications, maps and documents submitted shall be open for public inspection at the ~~environmental division~~ *engineering and resource protection division* office.

Sec. 22-7. Wetlands board action.

(d) If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the commissioner. Upon a final determination by the commission, the record shall be returned to the board. The record shall be open for public inspection at the ~~environmental division~~ *engineering and resource protection division* office of this county.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

Chp22Wetlnd_ord

JUL 26 2011

ORDINANCE NO. 31A-249BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 24-159, COMPLIANCE WITH SITE PLAN REQUIRED; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-289, UTILITIES; SECTION 24-290, STREET IMPROVEMENTS; DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 13, RESEARCH AND TECHNOLOGY DISTRICT, RT, SECTION 24-466, PROCEDURES; SECTION 24-470, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 24-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 15, MIXED USE, MU, SECTION 24-517, PROCEDURES; AND ARTICLE VI, OVERLAY DISTRICTS, DIVISION 3, FLOODPLAIN AREA REGULATIONS, SECTION 24-595, REGULATIONS FOR CONSTRUCTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-159, Compliance with site plan required; Section 24-289, Utilities; Section 24-290, Street improvements; Section 24-314, Requirements for improvements and design; Section 24-466, Procedures; Section 24-470, Requirements for improvements and design; Section 24-497, Requirements for improvement and design; Section 24-517, Procedures; and Section 24-595, Regulations for construction.

Chapter 24. Zoning

Article III. Site Plan

Section 24-159. Compliance with site plan required.

(a) *Inspection and supervision during development:*

(1) Unless otherwise specifically provided in this chapter, the construction standards for all off-site and on-site improvements required by this chapter, the site plan or other documents approved by the county shall conform to county design and construction standards. The director of ~~code compliance~~ *building safety and permits* or his agents shall, after approval of the plan and specifications, inspect construction of all improvement and land disturbances to assure conformity with the approved plans to the maximum extent possible.

(2) The owner or agent shall notify the director of ~~code compliance~~ *building safety and permits* in writing three days prior to the beginning of all street or storm sewer work shown to be constructed on the site plan.

ARTICLE V. DISTRICTS

Section 24-289. Utilities.

(c) Recreational maintenance facilities, maintenance facilities, temporary sales offices, temporary construction offices and accessory structures may be permitted to temporarily operate on individual well and septic systems provided the following is met:

(2) Individual wells shall be approved by the health department and the director of ~~code compliance~~ *building safety and permit* prior to preliminary site plan approval;

(4) The structure shall connect to public water within five years from the date of final site plan approval and shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and the director of ~~code compliance~~ *building safety and permits*. The structure shall connect to public utilities within 30 days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority; and

Section 24-290. Street improvements.

(b) Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the final plan shall meet the requirements of the Virginia Department of Transportation, except as specified in paragraph (d) below.

The construction of streets whether public or private shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits*

Section 24-314. Requirements for improvements and designs.

(f) *Streets.* All streets shall meet the design and construction requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the county Comprehensive Plan. The traffic generated by a Multifamily Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by the appropriate trip generation rate as listed in the latest edition of a book entitled *Trip Generation* published by the Institute of Transportation Engineers and compared to the existing traffic and road capacity as determined by the highway engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~code compliance~~ *building safety and permits*.

(g) *Fire hydrants.* Fire hydrants shall be at locations and of types approved by the director of ~~code compliance~~ *building safety and permits* and county fire chief. No structure within the project shall be further than 400 feet from a hydrant.

Section 24-466. Procedures.

(c) *Guarantees.* The ~~code-compliance~~ director *of building safety and permits* shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and sewer facilities, shown on the development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

Section 24-470. Requirements for improvements and design.

(c) *Street.* All streets shall meet the requirements of the Virginia Department of Transportation. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and director of ~~the environmental division~~ *engineering and resource protection*. Private streets may be permitted within “qualifying industrial parks” in accordance with section 24-55.

Section 24-497. Requirements for improvements and design.

(2) Individual wells shall be approved by the health department and the director of ~~code-compliance~~ *building safety and permits* prior to preliminary site plan approval;

Section 24-517. Procedures.

(c) *Guarantees.* The director of ~~code-compliance~~ *building safety and permits* shall not issue any certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads and public water and public sewer facilities, shown on the approved development plan by providing either a letter of credit, certified check, cash escrow, cash payment or other surety, approved by the county attorney.

Article VI. Overlay Districts.

Section 24-595. Regulations for construction.

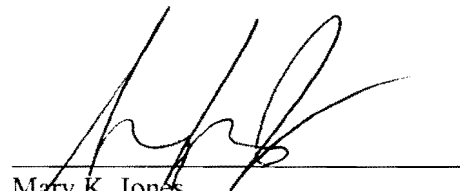
(a) The construction or placement of any structure or obstruction, filling or changing the cross-section or flow characteristics within the 100-year floodplain shall not be permitted unless the project is in conformance with the following requirements:

(1) In case of residential usage, the finished grade shall be at least one foot above the 100-year flood elevation for the lowest floor, including basement or cellar of structure. For nonresidential structures, watertight floodproofing in accordance with the Virginia Uniform Statewide Building Code may be provided in lieu of the finished grade requirement described herein. Prior to issuance of a certificate of occupancy, the owner of any structure located in a floodplain district shall submit a completed elevation certificate or floodproofing certificate as appropriate to the director of ~~code compliance~~ *building safety and permits*.

(b) It shall be the responsibility of the applicant to provide this data, certified by a licensed surveyor or engineer or other source acceptable to the director of ~~code compliance~~ *building safety and permits*.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

SUPERVISORS	VOTE
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

JUL 26 2011

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAORDINANCE NO. 131A-7

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10. GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-4, MAINTENANCE OF PREMISES-DUTY OF OWNERS, OCCUPANTS AND PERSONS IN CHARGE; AND SECTION 10-5, SAME-RECOURSE OF COUNTY UPON FAILURE OF OWNER OR OCCUPANT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10. Garbage and Refuse, is hereby amended and reordained by amending Section 10-4, Maintenance of premises-Duty of owners, occupants and persons in charge; and Section 10-5, Recourse of county upon failure to maintain by owner or occupant.

Chapter 10. Garbage and Refuse

Article I. In General

Sec. 10-4. Maintenance of premises-Duty of owners, occupants and persons in charge.

(a) It shall be the duty of each owner, ~~occupant and person in charge~~ of any real property in the county to maintain such property at all times free from any accumulation of garbage, trash, litter, refuse or other waste matter, whether liquid or solid, which might endanger the health or safety of residents of the county or otherwise constitute a nuisance ~~and to provide for the cutting on vacant developed or undeveloped property of grass, weeds and other foreign growth as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.~~ *Such garbage, trash, litter, refuse or other waste material shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.*

(b) It shall be the duty of each owner of any vacant developed or undeveloped property including such property upon which buildings or other improvements are located to provide for the cutting of grass, weeds and other foreign growth as often as needed to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.

(c) It shall be the duty of each owner of any occupied real property within platted subdivisions and areas zoned for residential, business, commercial or industrial use to provide for the cutting of grass, weeds, and other foreign growths as often as needed to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the county or other nuisances.

State law reference-Authority of county to provide for removal of trash, garbage, weeds, etc., Code of Va. § 15.2-901.

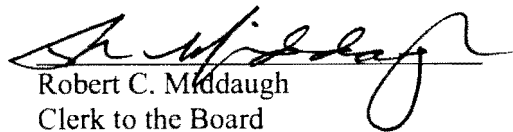
Sec. 10-5. Recourse of county upon failure to maintain by owner or occupant.

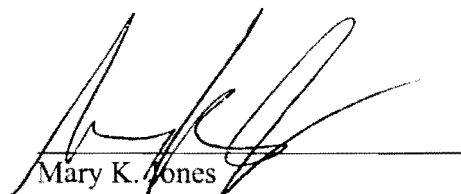
(a) The county administrator or his designee, and upon complaint by any responsible person that conditions exist on any real property in violation of section 10-4, shall investigate conditions existing on real property in the county at any time, and upon determination by the county administrator or his designee, following investigation, that the owner, ~~occupant or persons in charge~~ of any real property in the county stands in violation of his duty as provided in section 10-4 and directing him to take such action as may be necessary to rectify such conditions within such time, not more than ten days, as shall be stated in the notice.

(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and shall be collected by the county as taxes and levies are collected, and all charges not so collected shall constitute a lien against such property. In addition, the county administrator or

his designee may record such documents among the real estate records of the county as may be necessary to give notice of such lien.

ATTEST:


Robert C. Middaugh
Clerk to the Board


Mary K. Jones
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of July, 2011.

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JUL 26 2011

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAORDINANCE NO. 55A-41

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 2, SPECIFIC OFFICERS, SECTION 2-16.3, DISPOSITION OF UNCLAIMED BICYCLES AND MOPEDS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-16.3, Disposition of unclaimed bicycles and mopeds.

Chapter 2. Administration

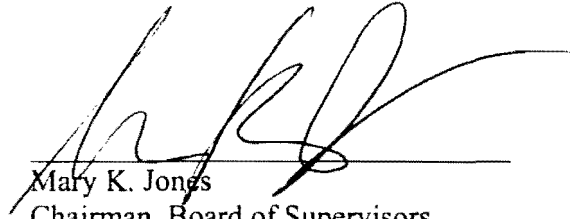
Article IV. Officers and Employees

Division 2. Specific Officers

Sec. 2-16.3. Disposition of unclaimed bicycles and mopeds

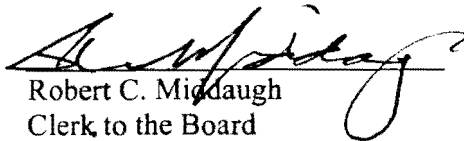
The chief of police is authorized to *sell at public auction, or* donate to any government agency or qualifying charitable organization any bicycle or moped which has been in the possession of the police department for more than ~~60~~ 30 days. For the purposes of this section, a qualifying charitable organization means a nonprofit or civic organization which serves, in whole or in part, residents of James City County and which is exempt under Section 501(c)(3) of the United States Internal Revenue Code. Prior to *selling or* donating any bicycle or moped, the chief of police or his designee shall make a reasonable attempt to notify the rightful owner of the property and publish a notice indicating the location and general description of the bicycle or moped at least once a week for two successive weeks in a newspaper of general circulation within the county. *Proceeds from a public sale shall be handled as defined in section 2-16.2(b) of this Code.*

State law reference-Code of Va., § 15.2-1720.



Mary K. Jones
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of
July, 2011.

Chp2Sec2-16.3_ord