

JAN 4 1988

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 5A-3, DEFINITIONS; SECTION 5A-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE; AND SECTION 5A-11, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5A, Erosion and Sedimentation Control, is hereby amended and reordained by amending Section 5A-3, Definitions; Section 5A-6, Plans generally; certain procedures adopted by reference, and Section 5A-11, Penalty.

Chapter 5A

Erosion and Sedimentation Control

Section 5A-3. Definitions.

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

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

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

Commission. The Virginia Soil and Water Conservation Commission.

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

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

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

Filling. Any depositing or stockpiling of earth materials.

Governing body. The board of supervisors of the county.

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

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

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

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

Plan approving authority. The division of code compliance.

Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86)

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

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

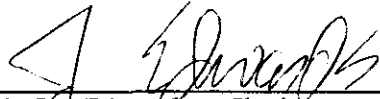
As a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, dated February 1980, and as may be amended from time to time, which is adopted by reference as fully as if set forth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

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

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

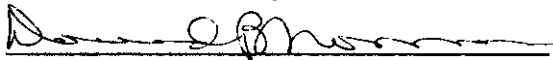
Section 5A-11. Penalty.

- (a) A violation of this chapter shall be deemed a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or thirty (30) days' imprisonment, or both, for each violation.
- (b) The county or the commission may apply to the court of record in the jurisdiction wherein the land lies, or to the circuit court of the City of Richmond, should the land lie in more than one jurisdiction, for injunctive relief to enjoin a violation or a threatened violation under Section 5A-5 or Section 5A-9 of this chapter, without the necessity of showing that there does not exist an adequate remedy at law.
- (c) Upon receipt of a sworn complaint of a substantial violation of either Section 5A-5 or Section 5A-9 of this chapter from the division of code compliance, the chief administrative officer of the county or the commission may, in conjunction with or subsequent to a notice to comply, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the chief administrative officer from taking any other action specified in this section. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86)



Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

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

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