

MAR 4 1991

ORDINANCE NO. 31A-129

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I. IN GENERAL, SECTION 20-24. PENALTIES, BY ADDING SECTION 20-27. KEEPING OF INOPERABLE VEHICLES; AND BY AMENDING ARTICLE VII. SPECIAL REGULATIONS FOR EXTERIOR SIGNS, SECTION 20-455. VIOLATIONS AND PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, is hereby amended and reordained by amending Section 20-24. Penalties: Sanctions, Injunctive Relief, Fines; by adding Section 20-27. Keeping of Inoperable Vehicles in Residential or Commercial Districts; and by amending Section 20-455. Violations and Penalties.

Chapter 20. Zoning

Article I. In General

Section 20-24. Penalties: Sanctions, injunctive relief, fines.

- A. Violating, causing or permitting the violation of, or otherwise disregarding any of the provisions of this Chapter by any person, firm or corporation, whether as principal, agent, owner, lessee, employee or other similar position shall be unlawful and is subject to the following:

1. Criminal Sanctions - upon conviction, shall be guilty of a misdemeanor and may be fined up to \$1,000. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Chapter is committed, continued or permitted.
2. Injunctive Relief - Any violation or attempted violation of this Chapter may be restrained, corrected or abated as the case may be by injunction or other appropriate relief.
3. Civil Fines:
  - (a) A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:
    - (i) Keeping an inoperable vehicle in residential or commercial zoning districts in violation of Section 20-27.....\$100.00 per vehicle.
    - (ii) Constructing, placing, erecting or displaying a sign on private property without a sign permit issued by the County in violation of Section 20-452.....\$100.00 per sign.
    - (iii) Occupying, or permitting to be occupied, a Single-Family Dwelling (SFD) by more than three unrelated individuals in violation of the definition of "family" in Section 20-2. .... \$100.00 per offense.
    - (iv) Installing, placing or maintaining a dish antennae in violation of Section 20-100.....\$50.00 per offense.
  - (b) Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$3,000.
  - (c) Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the County treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(d) No provisions herein shall be construed to allow the imposition of civil penalties for: (i) enforcement of the Uniform Statewide Building Code; (ii) activities related to land development or activities related to the construction or repair of buildings and other structures; (iii) violations of the erosion and sedimentation control ordinance; (iv) violations of any provisions of a local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or, (v) violations resulting in injury to any person or persons.

B. Civil or criminal action may be brought in conjunction with an action for injunctive relief. However, the offense designated for civil penalties above shall be in lieu of criminal enforcement.

Section 20-27. Keeping of inoperable vehicles in residential or commercial districts.

A. It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as such is defined in Section 46.2-100 of the Code of Virginia, which is inoperable; provided, however, no more than one (1) such inoperable vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperable motor vehicle shall mean any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The owners of property zoned for residential or commercial purposes shall, at such time as the County or its agent may prescribe, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the County, through its own agent or employees, may remove them. The County, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

C. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have

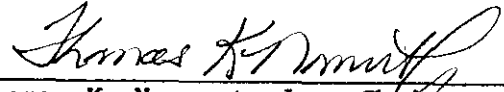
been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the County.

State law reference - Authority of board of supervisors to enact this section, Code of Virginia, §15.1-11.1.

#### Article VII. Special Regulations for Exterior Signs

##### Section 20-455. Violations and penalties.

Prior to any criminal or civil enforcement under this Section, the administrator or his designee shall give five days written notice of the violation to the owner, tenant or lessee of the property. The violation of any provision of this article concerning the posting of a sign on public property or public right-of-ways is a misdemeanor subject to punishment pursuant to Section 20-24. The violation of any other provisions of this article is subject to a civil penalty under Section 20-24. In addition, if such violation is not corrected within five (5) days after receipt of the notice of violation, except violations involving portable signs, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign and-or institute such other action as may be appropriate. If the violation involves a portable sign, such sign shall be removed immediately, and if not, the administrator or his designee may remove or cause to be removed, at the owner's or tenant's expense such sign and-or institute such other action as may be appropriate. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.



Thomas K. Norment, Jr., Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

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