

ADOPTED

FEB 16 1993

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 85A-11

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 5A-5, PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT; SECTION 5A-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE.

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-5, Procedures for plan submission and review, inspection and enforcement, Section 5A-6, Plans generally; certain procedures adopted by reference.

Chapter 5A. Erosion and Sedimentation Control

Section 5A-5. Procedures for plan submission and review, inspection and enforcement.

(a) Those procedures for plan submission and review, inspection and enforcement are set forth in a separate document which is made a part hereof entitled, "Administrative Guidelines," Chapter 7, adopted from the Virginia Erosion and Sediment Control Handbook, Second Edition, 1980. Third Edition, 1992. These procedures are controlling unless they are in conflict with a local ordinance or state law.

(b) The plan approving authority or, if a permit is issued in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the permit issuing authority:

- (1) Shall provide for periodic inspections of the land-disturbing activity; and
- (2) May require monitoring and reports from the person responsible for carrying out the plan, 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, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. If the permit-issuing authority or plan-approving authority 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. Where the plan-approving authority serves notice, a copy of the notice shall also be sent to the issuer of the permit. 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 time specified, 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) In order to prevent further erosion, the administrator may require an approved erosion and sedimentation control plan for any land identified and designated as an erosion impact area. Any property owner whose land is designated as an erosion impact area, provided the erosion is not the result of activities specified in Section 5A-4, shall:

- (1) Submit an erosion and sedimentation control plan for approval within 30 days of receipt of the notice designating the property as an erosion impact area;
- (2) Obtain a land disturbing permit with sufficient surety posted pursuant to Section 5A-8;
- (3) Install all control measures as approved on the plan; and
- (4) Comply with all other provisions of this chapter.

(d) The county may charge applicants a reasonable fee to defray the cost of program administration, including costs associated with the issuance of grading or land disturbing permits, plan review, and periodic inspection for compliance with erosion and sedimentation control plans if charges for such costs are not made under any other law, ordinance or program. The fee shall not exceed an

amount commensurate with the services rendered, taking into consideration the time, skill, and administrator's expense involved, or \$1,000, whichever is less.

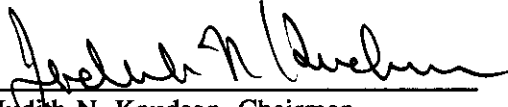
Section 5A-6. Plans generally; certain procedures adopted by reference.

(a) 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.

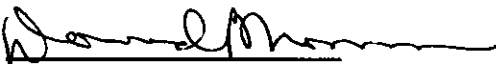
(b) At a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 4, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, Second Edition, 1980, Third Edition, 1992, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety as part of this chapter.

(c) Approved ~~regulations~~ *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, Second Edition, 1980, Third Edition, 1992, 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.

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

  
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Judith N. Knudson, Chairman  
Board of Supervisors

ATTEST:

  
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David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 16th day of  
February, 1993.

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