

SEP 14 2010

ORDINANCE NO. 131A-6BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

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 10-5, SAME-RECOURSE OF COUNTY UPON FAILURE OF OWNER OR OCCUPANT; AND SECTION 10-7, PENALTY.

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 Article I, In General, Section 10-5, Recourse of county upon failure to maintain by owner or occupant; and Section 10-7, Penalty.

#### Chapter 10. Garbage and Refuse

##### Article I. In General

###### **Sec. 10-5. ~~Same-Recourse of county upon failure of 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.

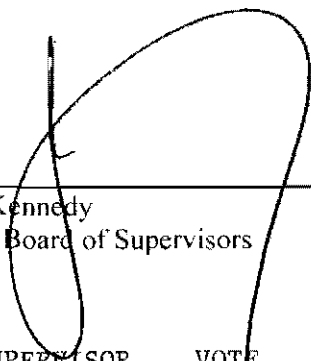
(b) If ten days after the service of any such notice the directive thereof has not been complied with, the county administrator or his designee shall proceed to have such work done as may be necessary to abate any condition which might endanger the health or safety of residents of the county and all expenses resulting therefrom shall be chargeable to and paid by the owner of such property and ~~may~~ *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.*

**Sec. 10-7. Penalty.**

Any person convicted of a violation of this chapter shall be ~~guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding one \$1,000.00, or by confinement in jail for a period not exceeding 12 months, either or both; provided, however, that the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway.~~ *subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. Civil penalties shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, such violations shall be a Class 3 misdemeanor. The classification of such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation. For the purposes of this section, a business day shall constitute Monday through Friday of each week, except for holidays as shown on the calendar adopted by the board of supervisors each year.*

*State law reference - Authority of county to provide for removal or disposal of trash, cutting of grass and weeds; penalty, Code of Va. § 15.2-901.*



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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:



Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of September,  
2010.

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