

AUG 17 1999

ORDINANCE NO. 183A-2

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING SECTION 23-18, VIOLATIONS; PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by adding Section 23-18, Violations, penalties.

Chapter 23

CHESAPEAKE BAY PRESERVATION

- Sec. 23-1. Short title.
- Sec. 23-2. Statement of intent.
- Sec. 23-3. Definitions.
- Sec. 23-4. Designation of Chesapeake Bay Preservation Area (CBPA).
- Sec. 23-5. Permitted uses.
- Sec. 23-6. Lot size.
- Sec. 23-7. Required conditions.
- Sec. 23-8. Determining resource protection area boundaries.
- Sec. 23-9. Performance standards.
- Sec. 23-10. Plan of development.
- Sec. 23-11. Water quality impact assessment.
- Sec. 23-12. Waivers.
- Sec. 23-13. Exemptions.
- Sec. 23-14. Exceptions.
- Sec. 23-15. Applications for waivers or exceptions.
- Sec. 23-16. Granting waivers or exceptions.
- Sec. 23-17. Appeals.
- ~~Sec. 23-18. Violations; penalties.~~

~~Sec. 23-18. Violations; penalties.~~

~~(a) Without limiting the remedies which may be obtained under this section, any person who violates any provision of this chapter or who violates, fails, neglects, or refuses to obey any variance or permit condition authorized under this chapter shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed \$5,000.00 for each day of violation. Such penalties may, at the discretion~~

of the court assessing them, be directed to be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas within the county, in such a manner as the court may direct by order.

(b) Without limiting the remedies which may be obtained under this section, and with the consent of any person who has violated any provision of this chapter, or who has violated, failed, neglected, or refused to obey any variance or permit condition authorized under this chapter, the county may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000.00 for each violation. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas in the county. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this section. Civil charges may be in addition to the costs of any restoration required by the Board.

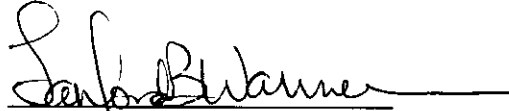
(c) In addition to, and not in lieu of, the penalties prescribed in sections (a) and (b) hereof, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this ordinance and may seek any other remedy authorized by law.

State law reference - Virginia Code § 10.1-2109(E)



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 17th day of August, 1999.