

MEMORANDUM

DATE: November 25, 2008

TO: The Board of Supervisors

FROM: Angela M. King, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, Section 8-7, Penalties, Injunctions, and Other Legal Actions

Attached for Board consideration is an ordinance which amends portions of Section 8-7 of the County Code.

The amendment to Section 8-7(a)(1)b-h increases the allowable amount of civil penalties to match the amount set forth in Section 10.1-562(J) of the Code of Virginia which was amended in 2007, to increase the allowable amount of civil penalties permitted for any one violation from a flat amount of \$100 to an allowable range of \$100 to \$1,000. The allowable amount of civil penalties related to land-disturbing activities without an approved plan remains at the \$1,000 level.

The amendment to Section 8-7(b) increases the total amount of civil penalties permitted for violations arising from the same operative set of facts to match the total amount allowed by Section 10.1-562(J) of the Code of Virginia which was amended in 2007 to increase the total amount of civil penalties permitted for violations arising from the same operative set of facts from \$3,000 to \$10,000. The total amount of civil penalties for violations related to land-disturbing activities without an approved plan remains at the \$10,000 level.

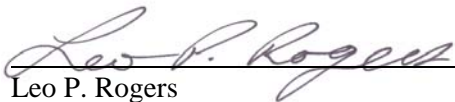
The amendments detailed above relate to the assessment of civil penalties upon a finding of the district court. Because County staff works with violators to agree on civil charges and rarely needs to pursue civil penalties in court, little or no fiscal impact is anticipated from the amendments to match the Code of Virginia.

The amendment is consistent with State law, and staff recommends adoption of the attached ordinance.



Angela M. King

CONCUR:



Leo P. Rogers

AMK/nb
AmendSec8-7_mem

Attachment