

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-7, PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by amending Section 8-7, Penalties, injunctions, and other legal actions.

Chapter 8. Erosion and Sediment Control

Section 8-7. Penalties, injunctions, and other legal actions.

(a) Schedule of civil penalties

(1) Any person who violates any provision of this chapter shall, upon a finding of the district court of James City County, be assessed a civil penalty. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

- a. Commencement of land disturbing activity without an approved erosion control plan as provided in Section 8-4 shall be \$1,000 per day.
- b. Vegetative measures – failure to comply with items 1, 2, 3, 5, and 7 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
- c. Structural measures – failure to comply with items 2, 4 , 6, 8 9, 10, 11, 15, and 17 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
- d. Watercourse measures – failure to comply with items 12, 13, 14, and 15 of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.

- e. Underground utility measures – failure to comply with Item 16(a), and/or (c) of the Minimum Standards shall be *not less than* \$100 *nor more than \$1,000* per violation per day.
 - f. Failure to obey a stop work order shall be *not less than* \$100 *nor more than \$1,000* per day.
 - g. Failure to stop work when permit is revoked shall be *not less than* \$100 *nor more than \$1,000* per day.
 - h. All other violations of this chapter not specifically enumerated in Items (a) through (g) of this section shall be *not less than* \$100 *nor more than \$1,000* per day.
- (b) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ~~\$3,000~~ *\$10,000*, ~~except that~~ *including* a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site ~~shall not result in civil penalties which exceed a total of \$10,000.~~

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk of the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of November, 2008.

AmendSec8-7_ord