

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8. EROSION AND SEDIMENT CONTROL, BY AMENDING SECTION 8-35, PERFORMANCE SURETY TO ADD A REFERENCE THAT FEES FOR COSTS OF ADMINISTRATION OF THE PERFORMANCE SURETY REQUIREMENT ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Code of James City County is hereby amended and reordained by Amending Chapter 8. Erosion and Sediment Control, by amending Section 8-35, Performance surety to add a reference that fees for costs of administration of the performance surety requirement are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

CHAPTER 8. EROSION AND SEDIMENT CONTROL

Sec. 8-35. Performance surety.

(a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.

(b) *Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on January 1, 2021.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June,
2020.

Sec8-35PerformanceSurety-ord