

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF JAMES CITY COUNTY BY AMENDING APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS TO DETAIL THE FEES FOR BUILDING SAFETY AND PERMITS, EROSION AND SEDIMENT CONTROL, WETLANDS, THE CHESAPEAKE BAY PRESERVATION ORDINANCE, PLANNING, AND ZONING TO DEFRAY THE COSTS INCURRED BY THE COUNTY NECESSARY TO ADMINISTRATE EACH OF THE SIX LISTED PROGRAMS AND FOR THE FILING AND PROCESSING OF AMENDMENTS, APPLICATIONS, AND APPEALS RELATED TO EACH OF THE SIX LISTED PROGRAMS.

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 Appendix A – Fee Schedule For Development Related Permits to detail the fees for Building Safety and Permits, Erosion and Sediment Control, Wetlands, The Chesapeake Bay Preservation Ordinance, Planning, and Zoning to defray the costs incurred by the county to administrate each of the six listed programs and for the filing and processing of amendments, applications, and appeals related to each of the four listed programs.

Appendix A - Fee Schedule for Development Related Permits

BUILDING SAFETY AND PERMITS		
CHAPTER 4 - BUILDING REGULATIONS		
CODE REFERENCE	DESCRIPTION	FEE
4-8	Annual Elevator Inspections	
	Traction Elevator	\$210.00
	Hydraulic Elevator	\$157.50
	Annual Inspection certificate by a third-party inspector	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
4-8	Amusement Device Inspection	
	Kiddie Ride <i>Small Mechanical Ride or Inflatable Amusement Device</i>	\$26.25 each
	Circular or Flat-ride less than 20 feet in height	\$36.75 each
	Spectacular Ride which cannot be inspected as a circular ride or flat-ride due to complexity or height	\$57.75 each
	Coaster exceeding 30 feet in height	\$157.50 each
4-8	<i>Weekend or after-hours amusement device and tent inspections</i>	<i>\$90</i>
4-8	<i>Generators used exclusively with amusement devices; excluding small portable generators serving only cord and plug connected equipment loads</i>	<i>\$52.50</i>
4-8	Certificate of Occupancy (No certificate of occupancy shall be issued until all inspection fees have been paid, <i>includes residential and non-residential</i>)	\$52.50
4-8	<i>30-day temporary certificate of occupancy - residential</i>	<i>\$52.50</i>
4-8	<i>30-day temporary certificate of occupancy - non-residential</i>	<i>\$105</i>
4-8	<i>30-day temporary certificate of occupancy renewal - residential</i>	<i>\$105</i>
4-8	<i>30-day temporary certificate of occupancy - non-residential</i>	<i>\$210</i>
4-8	Fire Department - New Construction (In addition to fees for building code permits and inspections when a fire department employee will participate in such inspections)	
	Fire protection system acceptance tests (Including fire alarm, fire sprinkler, standpipe, fire pump)	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
4-8	Commercial range hood fire suppression system acceptance tests	\$52.50
	Certificate of occupancy inspections excluding single- and two-family residences	\$52.50
4-8	Mobile Home Installation (The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home)	\$52.50
	Permits	
4-8	Building Permit	
	Minimum Building Permit Fee	\$52.50
	Construction of any building or addition where the floor area is increased, and installation or erection of any industrialized building unit based on the floor area to be constructed as computed from exterior building dimensions at each floor (Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation.)	\$0.1365 per square foot
4-8	Construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling	\$0.105 per square foot of the exterior dimensions of the building

CODE REFERENCE	DESCRIPTION	FEE
	Alteration or repair of any building or structure, or for the construction or erection of piers bulkheads, exterior walls or fences, towers, swimming pools or other structures or things	1.05 percent of the current value of all service, labor and materials
	Demolition or razing of any building or structure having a floor area greater than 200 square feet (No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less)	\$52.50
	Erection, placement or removal Relocation of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land	\$0.105 per square foot of the gross floor area.
	Construction not covered by any of the above	1.05 percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$52.50
	The Building Permit Fee shall be double for any construction that has commenced before a permit is obtained	As listed above
	Electrical Permit	
4-8	Minimum Electrical Permit Fee	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	Installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:	
		Single Phase Three Phase
	0-60 amps	\$52.50 \$52.50
	61-100 amps	\$52.50 \$57.75
	101-150 amps	\$63.00 \$68.25
	151-200 amps	\$68.25 \$73.50
	Over 200 amps, plus \$15.75 for each additional 50 amps or fraction thereof over 200 amps	\$68.25 \$73.50
	Installation of a temporary service, or the reconnection of a mobile home	\$52.50
	Increasing the size of the electrical service to any building structure, or mobile home	
	Service up to and including 200 amperes	\$52.50
4-8	Service over 200 amperes	\$52.50 plus \$15.75 for each 50 amperes or fraction thereof over 200 amperes.
	For relocation of any existing service for which the size is not increased	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	No additional fee shall be charged for outlets when the size of the service is increased	
	Addition to any existing electrical installation	
	1-100 outlets	\$52.50
	Over 100 outlets	\$52.50 plus \$0.21 for each outlet over 100
4-8	Mechanical and Gas Permits	
	Minimum Mechanical or Gas Permit Fee*	\$52.50
	Basic permit fee	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	*Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required	
	Fuel piping permit (applies when permit is for fuel piping work only)	\$0.01 × \$1,000 of valuation or fraction thereof
	L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit (Total water capacity in gallons.)	
	0-500	\$52.50
	501-2,000	\$57.75
	Over 2,000	\$57.75 plus \$1.05 per 10,000 gallons
	Tanks and associated piping for flammable liquids permit (Capacity in gallons)	
	0-10,000	\$52.50
	10,001-20,000	\$57.75
	20,001-50,000	\$63.00
	Over 50,000	\$73.50 plus \$5.25 per 25,000 gallons or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	Removal of storage tanks	\$52.50
	Fire suppression systems (Includes standpipes)	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Permit Reissuance Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years	\$52.50 for each six-month period
	Plumbing Permit	
	Minimum Plumbing Permit Fee	\$52.50
	Installation of each plumbing fixture or appliance	\$7.35
4-8	Installation of the water distribution system in each building	\$15.75
	Connection of any building drain to a public or private sanitary sewage disposal system	\$7.35
	Each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device	\$7.35
	Plan Review	
	Minimum Review Fee	\$15.75
4-8	Plan Review Fee <i>(to be paid at the time of application submittal)</i>	\$21 for each 1,000 square feet of floor space or part thereof

CODE REFERENCE	DESCRIPTION	FEE
	<i>Supplemental plan review for work proposed in the flood plain</i>	<i>\$52.50</i>
	Revised Plans - when such plans are substantially different than the original plans or the previous review comments have not been addressed and necessitate the issuance of additional review comments	
	Minimum Review Fee	\$7.35
	Plan Review Fee	\$21 for each 1,000 square feet of floor space or part thereof
	Reinspection (any building, electrical, mechanical, plumbing, elevator, mobile home, amusement device)	<i>First: \$52.50</i> <i>Second: \$105</i> <i>Third & Subsequent: \$210</i>
4-60	Administrative Fee A fee of shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this article or to the filing or processing of any appeal or amendment thereto	\$52.50
<i>36-137, Code of Virginia</i>	<i>Levy required by the Code of Virginia of up to two percent. Local building departments shall collect such levy and transfer it quarterly to the Department of Housing and Community Development.</i>	

STORMWATER AND RESOURCE PROTECTION		
CHAPTER 8 - EROSION AND SEDIMENT CONTROL		
CODE REFERENCE	DESCRIPTION	FEE
8-5	Land Disturbing Activity & Erosion & Sediment Control Plans	
	Single-family residential structure	\$105
	Residential subdivisions	\$73.50 per lot
	All other land disturbing activities (residential site plan)	\$882 per acre for first 15 acres plus \$588 for each additional acre over 15 acres
	All other land disturbing activities (non-residential plan)	\$630 per acre for first 15 acres plus \$420 for each additional acre over 15 acres
8-5	<i>The permit fee shall be double for any land disturbing that has commenced before a permit is obtained.</i>	<i>As listed above</i>
8-34	Fee Schedule for Registration and Issuance of General VPDES Permit for Discharge of Stormwater from Construction Activities	
	Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$304.50

CODE REFERENCE	DESCRIPTION	FEE
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$304.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$2,835**
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$3,570
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$4,725
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,405
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$10,080
	<p>**Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62. 1-44. 15:28 of the Code of Virginia this fee tier will be \$290 \$304.50 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with §62. 1-44. 15:28(A)(8)</p>	

CODE REFERENCE	DESCRIPTION	FEE
8-34	Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825	
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance less than one acre)	\$21
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$210
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$262.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$315
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$472.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$735

CODE REFERENCE	DESCRIPTION	FEE
8-34	Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830	
	Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$420
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)	\$525
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$682.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$945.00
8-34	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,470
8-34	<i>The Permit fee shall be double for any construction that has commenced before a permit is obtained</i>	<i>As listed above</i>

CODE REFERENCE	DESCRIPTION	FEE
8-34	<i>Certificate of Occupancy</i> <i>(No certificate of occupancy shall be issued until all inspection fees have been paid, includes residential and non-residential)</i>	\$52.50
8-34	<i>30-day temporary certificate of occupancy - residential</i>	\$52.50
8-34	<i>30-day temporary certificate of occupancy - non-residential</i>	\$105
8-34	<i>30-day temporary certificate of occupancy renewal - residential</i>	\$105
8-34	<i>30-day temporary certificate of occupancy renewal - non-residential</i>	\$210
8-34	<i>Reinspection</i>	<i>First: \$52.50</i> <i>Second: \$105</i> <i>Third & Subsequent: \$210</i>
8-35	<i>Initial Surety Establishment</i>	\$500
8-35	<i>Surety Renewal: Years 1-2</i>	\$-
8-35	<i>Surety Renewal: Years 3-5</i>	\$500
8-35	<i>Surety Renewal: Years 6-9</i>	\$700
8-35	<i>Surety Renewal: Year 10</i>	\$1,200
8-35	<i>Surety Renewal: Year 11 plus each subsequent year</i>	\$2,000
8-34	<i>As-Built Plan Review: Small Non-Residential (up to 3 BMPs)</i>	\$300
8-34	<i>As-Built Plan Review: Large Non-Residential (> 3 BMPs)</i>	\$500
8-34	<i>As-Built Plan Review: Small Residential (less than 5 acres)</i>	\$300
8-34	<i>As-Built Plan Review: Large Residential (> 5 acres)</i>	\$500

CHAPTER 22 - WETLANDS		
CODE REFERENCE	DESCRIPTION	FEE
22-4	Exceptions that must be granted by the manager	\$105
22-4	Permits affecting 20,000 square feet or less of wetlands	\$100 \$300
22-4	Permits affecting more than 20,000 but not more than 40,000 square feet of wetlands	\$200 \$400
22-4	Permits affecting more than 40,000 square feet of wetlands	\$200 plus \$100 for each additional acre in excess of one acre of affected wetlands \$500
22-4	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above
CHAPTER 23 - THE CHESAPEAKE BAY PRESERVATION ORDINANCE		
CODE REFERENCE	DESCRIPTION	FEE
23-15	Exceptions that must be granted by the Chesapeake Bay Board	\$125 \$300
23-15	Exceptions that must be granted by the manager	\$25 \$105
23-15	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above

PLANNING AND ZONING		
CHAPTER 24 - ZONING		
CODE REFERENCE	DESCRIPTION	FEE
24-7	Conceptual Plan	\$26.25
24-7	Height Limitation Waiver	\$210 <i>plus the cost of postage to notify adjacent property owners</i>
24-47	Chicken Keeping	\$21
24-7	Master Plan	
	Initial Review Residential cluster, mixed use or a PUD with less than 400 acres (PUDs more than 400 acres shall pay a rezoning fee only)	\$210 <i>plus the cost of postage to notify adjacent property owners</i>
	Revision of an Approved Plan	
	Residential Cluster	\$78.75 <i>plus the cost of postage to notify adjacent property owners</i>
	R-4, PUD, Mixed Use	\$157.50 <i>plus the cost of postage to notify adjacent property owners</i>

CODE REFERENCE	DESCRIPTION	FEE
24-7	<p>Public Hearing Applicant Deferral Request</p> <p>Does not apply where deferral is the result of a commission or board action</p> <p>Does apply when the applicant fails to meet a staff imposed deadline for additional information relevant to the application</p>	<p>\$367.50 per request <i>Cost of re-advertising</i></p>
24-7	Sign Permits	Size (per square foot of gross sign area) x \$5.25
24-7	Site Plan	
	Administrative Review	
	Residential structures or improvements	\$630 plus \$63 per unit
	Nonresidential structures or improvements	\$630 plus \$0.0252 per sq. ft. of building area
	Mixed Use structures or improvements	\$630 plus \$63 per unit plus \$0.0252 per sq. ft. of nonresidential building area
	Planning Commission and/or DRC Review	
	Residential structures or improvements	\$1,890 plus \$63 per unit

CODE REFERENCE	DESCRIPTION	FEE
	Nonresidential structures or improvements	\$1,890 plus \$0.0252 per sq. ft. of building area
	Mixed Use structures or improvements	\$1,890 plus \$63 per residential unit plus \$0.0252 per sq. ft. of nonresidential building area
	Amendment to an Approved Plan	
	Residential structures or improvements	\$105 plus \$10.50 per residential unit
24-7	Nonresidential structures or improvements	\$105 plus \$0.0042 per sq. ft. of building area
	Mixed Use structures or improvements	\$105 plus \$10.50 per residential unit plus \$0.0042 sq. ft. of nonresidential building area
	Other	
	Residential or nonresidential structures or improvements where number of dwelling units, building area, pavement or open space is not changed more than 15%	\$105

CODE REFERENCE	DESCRIPTION	FEE
	Zoning/Fire Dept. review only	\$21
	Each additional review after second resubmission	\$262.50
24-7	Special Use Permit	
	General (If processed with a rezoning shall pay a rezoning fee only)	\$1,050 plus \$31.50 per acre*** <i>plus the cost of postage to notify adjacent property owners</i>
	Manufactured Home	\$105
	Family Subdivision under Section 24-214	\$105
	Amendment/Renewal to a Special Use Permit	\$420 <i>plus the cost of postage to notify adjacent property owners</i>
	Communication Facilities under Division 6	\$1,575 <i>plus the cost of postage to notify adjacent property owners</i>
	***Not to exceed \$5,000	

CODE REFERENCE	DESCRIPTION	FEE
24-7	<p>Stormwater Installation Inspection</p> <p>(For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)</p>	<p>\$945 per practice for each best management practice constructed and \$0.945 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit.</p>
24-7	Rezoning ****	
	5 acres or less	<p>\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i></p>
	More than 5, but no more than 10 acres	<p>\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i></p>

CODE REFERENCE	DESCRIPTION	FEE
	More than 10 acres	\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i>
	Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density and where a public hearing is not required	\$210
	**** Not to exceed \$15,000/proffer amendments pay base fee only	
24-7	Zoning - Administrative Variance	\$262.50 <i>plus the cost of postage to notify adjacent property owners</i>
24-7	Zoning - Board of Zoning Appeals	\$525 <i>plus the cost of postage to notify adjacent property owners</i>
24-7	Zoning Verification Request	\$105

SUBDIVISION		
CHAPTER 19 - SUBDIVISIONS		
CODE REFERENCE	DESCRIPTION	FEE
19-15	Stormwater Installation Inspection (For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)	\$945 per practice for each best management practice constructed and \$0.9450 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit
19-15	Water and Sewer Line Installation Inspection (For inspection by the service authority of public water and sewer system installations)	\$1.5015 per foot for every foot of sewer main or water main constructed
19-15	Major/Minor Subdivision	
	No Public improvements required	\$210 per plan plus \$73.50 per lot for each lot over 2
	Public improvements required	\$262.50 per plan plus \$73.50 per lot for each lot over 2
19-15	Townhouse or condominium subdivisions that have undergone site plan review	\$52.50
19-15	Each additional review after second resubmission	\$262.50
<i>19-15</i>	<i>Exception Requests pursuant to Section 19-18</i>	<i>\$300</i>

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 12th day of May,
2020.

AppendixA-FeeSch-Amend-ord

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 12th day of May,
2020.

Sec8-35PerformanceSurety-ord