

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: April 17, 2007

TO: Board of Supervisors
FROM: Barry P. Fitz-James *Barry P. J.*
Assistant Director of Code Administration
ISSUE: Discuss Erosion and Sediment Control Civil Penalties

RECOMMENDATION: N/A

BUDGET IMPACT: N/A

ATTACHMENTS: (1)

[1] Memo dated 04-11-07 [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office *PM*
[X] Legal *Joseph H. Howard Jr.*
[]

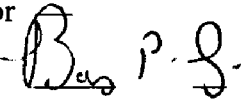
[] Consent Agenda [X] Other Business [] Public Hearing
[] Discussion Item [] Presentation [] Unfinished Business
[] New Business

PRESENTATION BY: Paul Milde

ELECTION DISTRICT: N/A

Memo Department of Code Administration

TO: Steve Crosby
County Administrator

FROM: Barry P. Fitz-James 
Assistant Director of Code Administration

DATE: April 11, 2007

**SUBJECT: Erosion and Sediment Control Civil Penalties
Senate Bill 821**

The Virginia General Assembly has adopted Senate Bill 821 (identical to House Bill 2568) which allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000.

The County's Erosion and Sediment Control Ordinance currently specifies civil penalties of \$100 per violation per day, except that commencement of land disturbing-activity without an approved plan shall be \$1,000 per day. The cap on civil penalties is currently \$3,000 for a series of violations arising from the same operative set of facts, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan shall result in civil penalties not to exceed a total of \$10,000.

The new legislation will allow the County to amend the Erosion and Sediment Control Ordinance to increase the civil penalties for any individual violation from the current \$100 per violation per day up to \$1,000 per violation day. The new legislation will also allow the County to increase the cap on civil penalties for any violation from the current \$3,000 up to \$10,000.

The new legislation goes into effect on July 1, 2007. The County would need to hold a public hearing to amend the Erosion and Sediment Control Ordinance to increase the amount of civil penalties.

BFJ: bfj

Cc: Mike Neuhard, Deputy County Administrator