


COUNTY OF YORK

MEMORANDUM

DATE: June 23, 2010 (BOS Mtg. 8/17/10)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney 

SUBJECT: Amendment to York County Code § 10-27, Penalties for Violation of Erosion and Sediment Control

The 2010 General Assembly adopted HB 619 which amended Virginia Code § 10.1-562 by deleting the \$1,000 civil penalty for the commencement of land disturbing activities without an approved plan. As amended, the statute continues to authorize localities to adopt a civil penalty for any one violation of a local erosion and sediment control ordinance of not less than \$100 nor more than \$1,000, with a maximum civil penalty of \$10,000 for a series of violations arising from the same set of operative facts. The attached proposed ordinance incorporates the provisions of HB 619. Also proposed are other modifications previously adopted to the state code authorizing civil penalties in an amount not less than \$100, nor more than \$1,000 for any single offense, and increasing from \$3,000 to \$10,000 the total for daily penalties arising from the same set of operative facts. The result is some duplication in the total maximum civil penalty for “a series of specified violations” and for “a series of violations arising from the commencement of land disturbing activities without an approved plan or an approved agreement in lieu of a plan.” That duplication is reflected in the statute itself, and thus the ordinance as modified would be consistent with state law.

I recommend the adoption of proposed Ordinance No. 10-16.

Barnett/3440:sw
Attachment

- Proposed Ord. No. 10-16